

[DISCUSSION DRAFT]

MAY 31, 2023

118TH CONGRESS
1ST SESSION**H. R.** _____

To promote election integrity, voter confidence, and faith in elections by removing Federal impediments to, providing State tools for, and establishing voluntary considerations to support effective State administration of Federal elections, improving election administration in the District of Columbia, improving the effectiveness of military voting programs, and protecting political speech, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. STEIL introduced the following bill; which was referred to the Committee
on _____

A BILL

To promote election integrity, voter confidence, and faith in elections by removing Federal impediments to, providing State tools for, and establishing voluntary considerations to support effective State administration of Federal elections, improving election administration in the District of Columbia, improving the effectiveness of military voting programs, and protecting political speech, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “American Confidence
3 in Elections Act” or the “ACE Act”.

4 **SEC. 2. TABLE OF CONTENTS.**

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1 **SEC. 3. GENERAL FINDINGS.**

2 Congress finds the following:

3 (1) According to Article 1, Section 4 of the
4 Constitution of the United States, the States have
5 the primary role in establishing “(t)he Times, Places
6 and Manners of holding Elections for Senators and
7 Representatives”, while Congress has a purely sec-
8 ondary role in this space and must restrain itself
9 from acting improperly and unconstitutionally.

10 (2) Federal election legislation should never be
11 the first step and must never impose burdensome,
12 unfunded Federal mandates on State and local elec-
13 tions officials. When Congress does speak, it must
14 devote its efforts only to resolving highly significant
15 and substantial deficiencies to ensure the integrity of
16 our elections. State legislatures are the primary
17 venues to establish rules for governing elections and
18 correct most issues.

1 (3) All eligible voters who wish to participate
2 must have the opportunity to vote, and all lawful
3 votes must be counted.

4 (4) States must balance appropriate election
5 administration structures and systems with acces-
6 sible access to the ballot box.

7 (5) Political speech is protected speech.

8 (6) The First Amendment protects the right of
9 all Americans to state their political views and do-
10 nate money to the candidates, causes, and organiza-
11 tions of their choice without fear of retribution.

12 (7) Redistricting decisions are best made at the
13 State level.

14 (8) States must maintain the flexibility to de-
15 termine the best redistricting processes for the par-
16 ticular needs of their citizens.

17 (9) Congress has independent authority under
18 the Fourteenth, Fifteenth, Nineteenth, Twenty-
19 Fourth, and Twenty-Sixth Amendments to ensure
20 elections are conducted without unlawful discrimina-
21 tion.

22 (10) The Voting Rights Act, which is not an-
23 chored in Article 1, Section 4 of the Constitution,
24 has seen much success since its first passage in

1 1965, and Congress should continue to exercise its
2 constitutional authority in this space as appropriate.

3 **TITLE I—ELECTION**
4 **ADMINISTRATION INTEGRITY**
5 **Subtitle A—Findings Relating to**
6 **Election Administration**

7 **SEC. 101. FINDINGS RELATING TO ELECTION ADMINISTRA-**
8 **TION.**

9 (a) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that constitutional scholar Robert Natelson has done
11 invaluable work with respect to the history and under-
12 standing of the Elections Clause.

13 (b) FINDINGS.—Congress finds the following:

14 (1) The Constitution reserves to the States the
15 primary authority to set election legislation and ad-
16 minister elections—the “times, places, and manner
17 of holding of elections”—and Congress’ power in
18 this space is purely secondary to the States’ power
19 and is to be employed only in the direst of cir-
20 cumstances. History, precedent, the Framers’ words,
21 debates concerning ratification, the Supreme Court,
22 and the Constitution itself make it exceedingly clear
23 that Congress’ power over elections is not unfet-
24 tered.

1 (2) The Framing Generation grappled with the
2 failure of the Articles of Confederation, which pro-
3 vided for only a weak national government incapable
4 of preserving the Union. Under the Articles, the
5 States had exclusive authority over Federal elections
6 held within their territory; but, given the difficulties
7 the national government had experienced with State
8 cooperation (e.g., the failure of Rhode Island to send
9 delegates to the Confederation Congress), the Fed-
10 eralists, including Alexander Hamilton, were con-
11 cerned with the possibility that the States, in an ef-
12 fort to destroy the Federal government, simply
13 might not hold elections or that an emergency, such
14 as an invasion or insurrection, might prevent the op-
15 eration of a State’s government, leaving the Con-
16 gress without Members and the Federal government
17 unable to respond.

18 (3) Quite plainly, Alexander Hamilton, a lead-
19 ing Federalist and proponent of our Constitution,
20 understood the Elections Clause as serving only as
21 a sort of emergency fail-safe, not as a cudgel used
22 to nationalize our elections process. Writing as
23 Publius to the people of New York, Hamilton fur-
24 ther expounds on the correct understanding of the
25 Elections Clause: “T[he] natural order of the subject

1 leads us to consider, in this place, that provision of
2 the Constitution which authorizes the national legis-
3 lature to regulate, in the last resort, the election of
4 its own members.”. Alexander Hamilton (writing as
5 Publius), *Federalist* no. 59, *Concerning the Power of*
6 *Congress to Regulate the Election of Members*, N.Y.
7 PACKET (Fri., Feb. 22, 1788).

8 (4) When questioned at the States’ constitu-
9 tional ratifying conventions with respect to this pro-
10 vision, the Federalists confirmed this understanding
11 of a constitutionally limited, secondary congressional
12 power under Article 1, Section 4. (“[C]onvention
13 delegate James McHenry added that the risk to the
14 federal government [without a fail-safe provision]
15 might not arise from state malice: An insurrection
16 or rebellion might prevent a state legislature from
17 administering an election.”); (“An occasion may
18 arise when the exercise of this ultimate power of
19 Congress may be necessary . . . if a state should be
20 involved in war, and its legislature could not assem-
21 ble, (as was the case of South Carolina and occa-
22 sionally of some other states, during the [Revolu-
23 tionary] war).”); (“Sir, let it be remembered that
24 this power can only operate in a case of necessity,
25 after the factious or listless disposition of a par-

1 ticular state has rendered an interference essential
2 to the salvation of the general government.”). *See*
3 Robert G. Natelson, *The Original Scope of the Con-*
4 *gressional Power to Regulate Elections*, 13 U. PA. J.
5 CONST. L. 1, 12–13 (Nov. 2010).

6 (5) John Jay made similar claims in New York.
7 And, as constitutional scholar Robert Natelson notes
8 in his invaluable article, *The Original Scope of the*
9 *Congressional Power to Regulate Elections*, “Alex-
10 ander Contee Hanson, a member of Congress whose
11 pamphlet supporting the Constitution proved pop-
12 ular, stated flatly that Congress would exercise its
13 times, places, and manner authority only in cases of
14 invasion, legislative neglect or obstinate refusal to
15 pass election laws [providing for the election of
16 Members of Congress], or if a state crafted its elec-
17 tion laws with a ‘sinister purpose’ or to injure the
18 general government.” Cementing his point, Hanson
19 goes further to decree, “The exercise of this power
20 must at all times be so very invidious, that congress
21 will not venture upon it without some very cogent
22 and substantial reason.”. Alexander Contee Hanson
23 (writing as Astrides), *Remarks on the Proposed Plan:*
24 *31 January*, reprinted in John P. Kaminski,
25 Gaspare J. Saladino, and Richard Leffler (eds.), 3

1 *Commentaries on the Constitution, public and private*
2 *18 December 1787 to 31 January 1788* 522–26
3 (1984).

4 (6) In fact, had the alternate view of the Elec-
5 tions Clause been accepted at the time of the Con-
6 stitution’s drafting—that is, that it offers Congress
7 unfettered power over Federal elections— it is likely
8 that the Constitution would not have been ratified or
9 that an amendment to this language would have
10 been required.

11 (7) Indeed, at least seven of the original 13
12 States—over half and enough to prevent the Con-
13 stitution from being ratified—expressed specific con-
14 cerns with the language of the Elections Clause. *See*
15 1 Annals of Cong. 799 (1789), Joseph Gales (ed.)
16 (1834). However, “[l]eading Federalists...” assured
17 them “...that, even without amendment, the [Elec-
18 tions] Clause should be construed as limited to
19 emergencies”. Three States, New York, North Caro-
20 lina, and Rhode Island, specifically made their ratifi-
21 cation contingent on this understanding being made
22 express. *Ratification of the Constitution by the State*
23 *of New York* (July 26, 1788) (“Under these impres-
24 sions and declaring that the rights aforesaid cannot
25 be abridged or violated, and the Explanations afore-

1 said are consistent with the said Constitution, And
2 in confidence that the Amendments which have been
3 proposed to the said Constitution will receive early
4 and mature Consideration: We the said Delegates, in
5 the Name and in [sic] the behalf of the People of
6 the State of New York Do by these presents Assent
7 to and Ratify the said Constitution. In full Con-
8 fidence . . . that the Congress will not make or alter
9 any Regulation in this State respecting the times
10 places and manner of holding Elections for Senators
11 or Representatives unless the Legislature of this
12 State shall neglect or refuse to make laws or regula-
13 tions for the purpose, or from any circumstance be
14 incapable of making the same, and that in those
15 cases such power will only be exercised until the
16 Legislature of this State shall make provision in the
17 Premises”); *Ratification of the Constitution by the*
18 *State of North Carolina* (Nov. 21, 1789) (“That
19 Congress shall not alter, modify, or interfere in the
20 times, places, or manner of holding elections for sen-
21 ators and representatives, or either of them, except
22 when the legislature of any state shall neglect, refuse
23 or be disabled by invasion or rebellion, to prescribe
24 the same.”); *Ratification of the Constitution by the*
25 *State of Rhode Island* (May 29, 1790) (“Under these

1 impressions, and declaring, that the rights aforesaid
2 cannot be abridged or violated, and that the expla-
3 nations aforesaid, are consistent with the said con-
4 stitution, and in confidence that the amendments
5 hereafter mentioned, will receive an early and ma-
6 ture consideration, and conformably to the fifth arti-
7 cle of said constitution, speedily become a part
8 thereof; We the said delegates, in the name, and in
9 [sic] the behalf of the People, of the State of Rhode-
10 Island and Providence-Plantations, do by these Pre-
11 sents, assent to, and ratify the said Constitution. In
12 full confidence . . . That the Congress will not make
13 or alter any regulation in this State, respecting the
14 times, places and manner of holding elections for
15 senators and representatives, unless the legislature
16 of this state shall neglect, or refuse to make laws or
17 regulations for the purpose, or from any cir-
18 cumstance be incapable of making the same; and
19 that [i]n those cases, such power will only be exer-
20 cised, until the legislature of this State shall make
21 provision in the Premises[.]”).

22 (8) Congress finds that the Framers designed
23 and the ratifying States understood the Elections
24 Clause to serve solely as a protective backstop to en-
25 sure the preservation of the Federal Government,

1 not as a font of limitless power for Congress to
2 wrest control of Federal elections from the States.

3 (9) This understanding was also reinforced by
4 debate during the first Congress that convened
5 under the Constitution where Representative
6 Aedanus Burke proposed a constitutional amend-
7 ment to limit the Times, Places and Manner Clause
8 to emergencies. Although the amendment failed,
9 those on both sides of the Burke amendment debate
10 already understood the Elections Clause to limit
11 Federal elections power to emergencies.

12 (10) History clearly shows that even in the first
13 Congress that convened under the Constitution, it
14 was acknowledged and understood through the de-
15 bates that ensued over the Elections Clause provi-
16 sion that Congress' control over elections is limited.

17 (11) Similarly, proponent Representative Smith
18 of South Carolina also believed the original text of
19 the Elections Clause already limited the Federal
20 Government's power over Federal elections to emer-
21 gencies and so thought there would be no harm in
22 supporting an amendment to make that language ex-
23 press. Annals of Congress 801 (1789) Joseph Gales
24 Edition. *A Century of Lawmaking for a New Nation:*
25 *U.S. Congressional Documents and Debates, 1774 -*

1 1875 (*loc.gov*). So, even the records of the First Con-
2 gress reflect a recognition of the emergency nature
3 of congressional power over Federal elections.

4 (12) Similarly, the Supreme Court has sup-
5 ported this understanding. In *Smiley v. Holm*, the
6 Court held that Article 1, Section 4 of the Constitu-
7 tion reserved to the States the primary “...authority
8 to provide a complete code for congressional elec-
9 tions, not only as to times and places, but in relation
10 to notices, registration, supervision of voting, protec-
11 tion of voters, prevention of fraud and corrupt prac-
12 tices, counting of votes, duties of inspectors and can-
13 vassers, and making and publication of election re-
14 turns; in short, to enact the numerous requirements
15 as to procedure and safeguards which experience
16 shows are necessary in order to enforce the funda-
17 mental right involved. And these requirements would
18 be nugatory if they did not have appropriate sanc-
19 tions in the definition of offenses and punishments.
20 All this is comprised in the subject of ‘times, places
21 and manner of holding elections’, and involves law-
22 making in its essential features and most important
23 aspect.”. *Smiley v. Holm*, 285 U.S. 355, 366
24 (1932).

1 (13) This holding is consistent with the under-
2 standing of the Elections Clause since the framing
3 of the Constitution. The *Smiley* Court also held that
4 while Congress maintains the authority to
5 “...supplement these state regulations or [to] sub-
6 stitute its own[]”, such authority remains merely “a
7 general supervisory power over the whole subject.”.
8 *Id.*

9 (14) More recently, the Court noted in *Arizona*
10 *v. Inter-Tribal Council of Ariz., Inc.* that “[t]his
11 grant of congressional power [that is, the fail-safe
12 provision in the Elections Clause] was the Framers’
13 insurance against the possibility that a State would
14 refuse to provide for the election of representatives
15 to the Federal Congress.”. *Arizona v. Inter-Tribal*
16 *Council of Arizona, Inc.*, 570 U.S. 1, 7–9 (2013).
17 The Court explained that the Elections Clause
18 “...imposes [upon the States] the duty...to prescribe
19 the time, place, and manner of electing Representa-
20 tives and Senators[.]”. *Id.* at 8. And, while, as the
21 Court noted, “[t]he power of Congress over the
22 ‘Times, Places, and Manner’ of congressional elec-
23 tions is paramount, and may be exercised at any
24 time, and to any extent which it deems expedient;
25 and so far as it is exercised, and no farther, the reg-

1 ulations effected supersede those of the State which
2 are inconsistent therewith[]”, *id.* at 9, the *Inter-*
3 *Tribal* Court explained, quoting extensively from the
4 *Federalist* no. 59, that it was clear that the congress-
5 sional fail-safe included in the Elections Clause was
6 intended for the sorts of governmental self-preserva-
7 tion discussed here: “[E]very government ought to
8 contain in itself the means of its own
9 preservation[.]”; “[A]n exclusive power of regulating
10 elections for the national government, in the hands
11 of the State legislatures, would leave the existence of
12 the Union entirely at their mercy. They could at any
13 moment annihilate it by neglecting to provide for the
14 choice of persons to administer its affairs.”. *Id.* at
15 8.

16 (15) It is clear in every respect that the con-
17 gressional fail-safe described in the Elections Clause
18 vests purely secondary authority over Federal elec-
19 tions in the Federal legislative branch and that the
20 primary authority rests with the States. Congres-
21 sional authority is intended to be, and as a matter
22 of constitutional fact is, limited to addressing the
23 worst imaginable issues, such as invasion or other
24 matters that might lead to a State not electing rep-
25 resentatives to constitute the two Houses of Con-

gress. Congress’ authority has never extended to the day-to-day authority over the “Times, Places and Manner of Election” that the Constitution clearly reserves to the States.

(16) Congress must act within the bounds of its constitutional authority when enacting legislation concerning the administration of our nation’s elections.

Subtitle B—Voluntary Considerations for State Administration of Federal Elections

SEC. 111. SHORT TITLE.

This subtitle may be cited as the “Voluntarily Offered Tools for Election Reforms by States Act” or the “VOTERS Act”.

SEC. 112. FINDINGS.

Congress finds the following:

(1) *to be provided*

SEC. 113. ELECTION INTEGRITY VOLUNTARY CONSIDERATIONS.

(a) IN GENERAL.—Subtitle C of title II of the Help America Vote Act of 2002 (52 U.S.C. 20981 et seq.) is amended—

(1) by redesignating section 247 as section 248; and

1 (2) by inserting after section 246 the following
2 new section:

3 **“SEC. 247. RELEASE OF VOLUNTARY CONSIDERATIONS BY**
4 **STANDARDS BOARD WITH RESPECT TO ELEC-**
5 **TION ADMINISTRATION.**

6 “(a) IN GENERAL.—The Standards Board shall draw
7 from experiences in their home jurisdictions and informa-
8 tion voluntarily provided by and between States on what
9 has worked and not worked and release voluntary consid-
10 erations with respect to the administration of an election
11 for Federal office.

12 “(b) MATTERS TO CONSIDER.—In releasing the vol-
13 untary considerations under subsection (a), the Standards
14 Board shall examine and consolidate information provided
15 by States and release considerations with respect to each
16 of the following categories:

17 “(1) The process for the administration of bal-
18 lots delivered by mail, including—

19 “(A) deadlines for the return and receipt
20 of such ballots to the appropriate election offi-
21 cial;

22 “(B) the design of such ballots, including
23 the envelopes used to deliver the ballots;

24 “(C) the process for requesting and track-
25 ing the return of such ballots; and

1 “(D) the processing of such ballots upon
2 receipt by the appropriate election official, in-
3 cluding the schedule for counting the ballots
4 and the reporting of the unofficial results of
5 such counting.

6 “(2) The signature verification procedures used
7 to verify the identity of voters in an election, which
8 shall include an evaluation of human and machine
9 methods of signature verification, an assessment of
10 the training provided to individuals tasked to carry
11 out such verification procedures, and the proposal of
12 other less subjective methods of confirming the iden-
13 tity of a voter such as requiring the identification
14 number of a valid government-issued photo identi-
15 fication or the last four digits of the voter’s social
16 security number to be provided along with the vot-
17 er’s signature.

18 “(3) The processes used to carry out mainte-
19 nance of the official list of persons registered to vote
20 in each State.

21 “(4) Rules and requirements with respect to the
22 access provided to election observers.

23 “(5) The processes used to ensure the timely
24 and accurate reporting of the unofficial results of
25 ballot counting in each polling place in a State and

1 the reporting of the unofficial results of such count-
2 ing.

3 “(6) The methods used to recruit poll workers
4 and designate the location of polling places during a
5 pandemic, natural disaster, or other emergency.

6 “(7) The education of the public with respect to
7 the certification and testing of voting machines prior
8 to the use of such machines in an election for Fed-
9 eral office, including education with respect to how
10 such machines are tested for accuracy and logic.

11 “(8) The processes and procedures used to
12 carry out a post-election audit.

13 “(9) The processes and procedures used to en-
14 sure a secure chain of custody with respect to ballots
15 and election equipment.

16 “(c) RELEASE OF VOLUNTARY CONSIDERATIONS.—

17 “(1) DEADLINE FOR RELEASE.—**[New (conform**
18 ***that this is correct*):]** Not later than 6 months after
19 the date of the enactment of the ACE Act, the
20 Standards Board shall release voluntary consider-
21 ations with respect to each of the categories de-
22 scribed in subsection (b).

23 “(2) TRANSMISSION AND NOTIFICATION RE-
24 QUIREMENTS.—Not later than 15 days after the
25 date the Standards Board releases voluntary consid-

1 erations with respect to a category described in sub-
2 section (b), the Commission shall—

3 “(A) transmit the considerations to the
4 chief State election official of each State and
5 the elected leadership of the legislature of each
6 State, including the elected leadership of any
7 committee of the legislature of a State with ju-
8 risdiction with respect to elections;

9 “(B) make the considerations available on
10 a publicly accessible Government website; and

11 “(C) notify and transmit the consider-
12 ations to the chair and ranking minority mem-
13 ber of the Committee on House Administration
14 of the House of Representatives and the chair
15 and ranking minority member of the Committee
16 on Rules and Administration of the Senate.

17 “(d) USE OF REQUIREMENTS PAYMENTS FOR IMPLE-
18 MENTATION OF VOLUNTARY CONSIDERATIONS.—A State
19 may use a requirements payment provided under this Act
20 to implement any of the voluntary considerations released
21 under subsection (a).

22 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion may be construed—

24 “(1) to require compliance with the voluntary
25 considerations released under subsection (a), includ-

1 ing as a condition of the receipt of Federal funds;
2 or

3 “(2) **[New:]** to treat the lack of compliance
4 with such considerations as a violation of the Voting
5 Rights Act of 1965 or to treat compliance with such
6 considerations as a defense against an alleged viola-
7 tion of such Act.”.

8 (b) CLERICAL AMENDMENT.—The table of contents
9 of such Act is amended—

10 (1) by redesignating the item relating to section
11 247 as relating to section 248; and

12 (2) by inserting after the item relating to sec-
13 tion 246 the following new item:

“Sec. 247. Release of voluntary considerations by Standards Board with respect
to election administration.”.

14 **Subtitle C—Requirements to Pro-**
15 **mote Integrity in Election Ad-**
16 **ministration**

17 **SEC. 121. ENSURING ONLY ELIGIBLE AMERICAN CITIZENS**
18 **MAY PARTICIPATE IN FEDERAL ELECTIONS.**

19 (a) SHORT TITLE.—This section may be cited as the
20 “Non-Citizens: Outlawed from Voting in Our Trusted
21 Elections Act of 2022” or the “NO VOTE for Non-Citi-
22 zens Act of 2022”.

23 (b) FINDINGS; SENSE OF CONGRESS.—

24 (1) FINDINGS.—Congress finds the following:

1 (A) Every eligible person who wishes to
2 cast a ballot in a Federal election must be per-
3 mitted to do so according to law, and their bal-
4 lot must be examined according to law, and, if
5 it meets all lawful requirements, counted.

6 (B) Congress has long required States to
7 maintain Federal voter registration lists in a
8 manner that promotes voter confidence.

9 (C) The changes included herein are not
10 intended to be an expansion of Federal power
11 but rather a clarification of State authority.

12 (D) The Fifteenth Amendment, the Nine-
13 teenth Amendment, the Twenty-Fourth Amend-
14 ment, and the Twenty-Sixth Amendment,
15 among other references, make clear that the
16 Constitution prohibits voting by non-citizens in
17 Federal elections.

18 (E) Congress has the constitutional au-
19 thority, including under the aforementioned
20 amendments, to pass statutes preventing non-
21 citizens from voting in Federal elections, and
22 did so with the Illegal Immigration Reform and
23 Immigrant Responsibility Act of 1996.

24 (F) Congress may further exercise its con-
25 stitutional authority to ensure the Constitu-

1 tion’s prohibition on non-citizen voting in Fed-
2 eral elections is upheld.

3 (G) Since the Constitution prohibits non-
4 citizens from voting in Federal elections, such
5 ineligible persons must not be permitted to be
6 placed on Federal voter registration lists.

7 (H) Improper placement of an ineligible
8 non-citizen on a Federal voter registration list
9 leads to—

10 (i) confusion on the part of the ineli-
11 gible person with respect to their ineligi-
12 bility to cast a ballot; and

13 (ii) an increased likelihood that
14 human error will permit ineligible persons
15 to cast ballots in Federal elections.

16 (I) State officials have confirmed that
17 poorly maintained voter registration lists lead to
18 ineligible persons casting ballots in Federal
19 elections.

20 (J) A former Broward County, Florida,
21 elections supervisor has confirmed that ineli-
22 gible non-voters were able to cast ballots in pre-
23 vious elections and that she was not able to lo-
24 cate as many as 2,040 ballots during the 2018
25 midterm recount.

1 (K) This clarification of State authority to
2 maintain Federal voter registration lists to en-
3 sure non-citizens are not included on such lists
4 will promote voter confidence in election proc-
5 esses and outcomes.

6 (L) Congress has the authority to ensure
7 that no Federal elections funding is used to
8 support States that permit non-citizens to cast
9 ballots in any election.

10 (M) Federal courts and executive agencies
11 have much of the information States may need
12 to maintain their Federal voter registration
13 lists, and those entities should make that infor-
14 mation accessible to State election authorities.

15 (N) It is important to clarify the penalty
16 for any violation of law that allows a non-citizen
17 to cast a ballot in a Federal election.

18 (O) To protect the confidence of voters in
19 Federal elections, it is important to implement
20 the policy described herein.

21 (2) SENSE OF CONGRESS.—It is the sense of
22 Congress that—

23 (A) many States have not adequately met
24 the requirements concerning the removal of in-
25 eligible persons from State voter registration

1 rolls pursuant to section 8 of the National
2 Voter Registration Act of 1993 (52 U.S.C.
3 20507) and should strive to audit and update
4 their voter registration rolls on a routine basis;

5 (B) allowing non-citizens to cast ballots in
6 American elections weakens our electoral sys-
7 tem and the value of citizenship and sows dis-
8 trust in our elections system;

9 (C) even if a State has the sovereign au-
10 thority, no State should permit non-citizens to
11 cast ballots in State or local elections;

12 (D) States should use all information
13 available to them to maintain Federal voter reg-
14 istration lists and should inform Congress if
15 such data is insufficient; and

16 (E) Congress may take further action in
17 the future to address this problem.

18 (c) CLARIFYING AUTHORITY OF STATES TO REMOVE
19 NONCITIZENS FROM VOTING ROLLS.—

20 (1) AUTHORITY UNDER REGULAR REMOVAL
21 PROGRAMS.—Section 8(a)(4) of the National Voter
22 Registration Act of 1993 (52 U.S.C. 20507(a)(4)) is
23 amended—

24 (A) by striking “or” at the end of subpara-
25 graph (A);

1 (B) by redesignating subparagraph (B) as
2 subparagraph (C); and

3 (C) by inserting after subparagraph (A)
4 the following new subparagraph:

5 “(B) the registrant’s status as a noncitizen
6 of the United States; or”.

7 (2) CONFORMING AMENDMENT RELATING TO
8 ONGOING REMOVAL.—Section 8(c)(2)(B)(i) of such
9 Act (52 U.S.C. 20507(c)(2)(B)(i)) is amended by
10 striking “(4)(A)” and inserting “(4)(A) or (B)”.

11 (d) REQUIREMENT TO MAINTAIN SEPARATE STATE
12 VOTER REGISTRATION LIST FOR NONCITIZENS.—Section
13 8(a) of the National Voter Registration Act of 1993 (52
14 U.S.C. 20507(a)) is amended—

15 (1) in paragraph (5)(B), by striking “and” at
16 the end;

17 (2) in paragraph (6), by striking the period at
18 the end and inserting “; and”; and

19 (3) by adding at the end the following new
20 paragraph:

21 “(7) in the case of a State that allows individ-
22 uals who are not citizens of the United States to
23 vote in elections for public office in the State or any
24 local jurisdiction of the State, ensure that the name
25 of any registrant who is not a citizen of the United

1 States is maintained on a voter registration list that
2 is separate from the official list of eligible voters
3 with respect to registrants who are citizens of the
4 United States.”.

5 (e) REQUIREMENTS FOR BALLOTS FOR STATE OR
6 LOCAL JURISDICTIONS THAT ALLOW NONCITIZEN VOT-
7 ING.—Section 301(a)(1) of the Help America Vote Act of
8 2002 (52 U.S.C. 21081(a)(1)) is amended by adding at
9 the end the following new subparagraph:

10 “(D) In the case of a State or local juris-
11 diction that allows individuals who are not citi-
12 zens of the United States to vote in elections
13 for public office in the State or local jurisdic-
14 tion, the ballot used for the casting of votes by
15 a noncitizen in such State or local jurisdiction
16 may only include the candidates for the elec-
17 tions for public office in the State or local juris-
18 diction for which the noncitizen is permitted to
19 vote.”.

20 (f) REDUCTION IN PAYMENTS FOR ELECTION AD-
21 MINISTRATION TO STATES OR LOCAL JURISDICTIONS
22 THAT ALLOW NONCITIZEN VOTING.—

23 (1) IN GENERAL.—Title IX of the Help Amer-
24 ica Vote Act of 2002 (52 U.S.C. 21141 et seq.) is

1 amended by adding at the end the following new sec-
2 tion:

3 **“SEC. 907. REDUCTION IN PAYMENTS TO STATES OR LOCAL**
4 **JURISDICTIONS THAT ALLOW NONCITIZEN**
5 **VOTING.**

6 “(a) IN GENERAL.—Notwithstanding any other pro-
7 vision of this Act, the amount of a payment under this
8 Act to any State or local jurisdiction that allows individ-
9 uals who are not citizens of the United States to vote in
10 elections for public office in the State or local jurisdiction
11 shall be reduced by 30 percent.

12 “(b) PROHIBITION ON USE OF FUNDS FOR CERTAIN
13 ELECTION ADMINISTRATION ACTIVITIES.—Notwith-
14 standing any other provision of law, no Federal funds may
15 be used to implement the requirements of section 8(a)(7)
16 of the National Voter Registration Act of 1993 (52 U.S.C.
17 20507(a)(7)) (as added by section 121(d) of the American
18 Confidence in Elections Act) or section 301(a)(1)(D) of
19 the Help America Vote Act of 2002 (52 U.S.C.
20 21081(a)(1)(D)) (as added by section 121(e) of the Amer-
21 ican Confidence in Elections Act) in a State or local juris-
22 diction that allows individuals who are not citizens of the
23 United States to vote in elections for public office in the
24 State or local jurisdiction.”.

1 (2) CLERICAL AMENDMENT.—The table of con-
2 tents of such Act is amended by adding at the end
3 the following new item:

 “Sec. 907. Reduction in payments to States or local jurisdictions that allow
 noncitizen voting.”.

4 (g) PROMOTING PROVISION OF INFORMATION BY
5 FEDERAL ENTITIES.—

6 (1) IN GENERAL.—Each entity of the Federal
7 government which maintains information which is
8 relevant to the status of an individual as a registered
9 voter in elections for Federal office in a State shall,
10 upon the request of an election official of the State,
11 provide that information to the election official.

12 (2) POLICIES AND PROCEDURES.—Consistent
13 with section 3506(g) of title 44, United States Code,
14 an entity of the Federal government shall carry out
15 this subsection in accordance with policies and pro-
16 cedures which will ensure that the information is
17 provided securely, accurately, and in a timely basis.

18 (3) CONFORMING AMENDMENT RELATING TO
19 COVERAGE UNDER PRIVACY ACT.—Section 552a(b)
20 of title 5, United States Code, is amended—

21 (A) by striking “or” at the end of para-
22 graph (11);

23 (B) by striking the period at the end of
24 paragraph (12) and inserting “; or”; and

1 (C) by adding at the end the following new
2 paragraph:

3 “(13) to an election official of a State in ac-
4 cordance with section 121(h) of the American Con-
5 fidence in Elections Act.”.

6 (h) ENSURING PROVISION OF INFORMATION TO
7 STATE ELECTION OFFICIALS ON INDIVIDUALS RECUSED
8 FROM JURY SERVICE ON GROUNDS OF NONCITIZEN-
9 SHIP.—

10 (1) REQUIREMENT DESCRIBED.—If a United
11 States district court recuses an individual from serv-
12 ing on a jury on the grounds that the individual is
13 not a citizen of the United States, the court shall
14 transmit a notice of the individual’s recusal—

15 (A) to the chief State election official of
16 the State in which the individual resides; and

17 (B) to the Attorney General.

18 (2) DEFINITIONS.—For purposes of this sub-
19 section—

20 (A) the “chief State election official” of a
21 State is the individual designated by the State
22 under section 10 of the National Voter Reg-
23 istration Act of 1993 (52 U.S.C. 20509) to be
24 responsible for coordination of the State’s re-
25 sponsibilities under such Act; and

1 (B) the term “State” means each of the
2 several States, the District of Columbia, the
3 Commonwealth of Puerto Rico, American
4 Samoa, Guam, the United States Virgin Is-
5 lands, and the Commonwealth of the Northern
6 Mariana Islands.

7 (i) PROHIBITION ON VOTING BY NONCITIZENS IN
8 FEDERAL ELECTIONS.—

9 (1) IN GENERAL.—Section 12 of the National
10 Voter Registration Act of 1993 (52 U.S.C. 20511)
11 is amended—

12 (A) by striking “A person” and inserting
13 “(a) IN GENERAL.—A person”; and

14 (B) by adding at the end the following new
15 subsection:

16 “(b) PROHIBITION ON VOTING BY ALIENS.—

17 “(1) IN GENERAL.—It shall be unlawful for any
18 alien to vote in any election in violation of section
19 611 of title 18, United States Code.

20 “(2) PENALTIES.—Any person who violates this
21 subsection shall be fined under title 18, United
22 States Code, imprisoned not more than one year, or
23 both.”.

24 (2) EFFECTIVE DATE.—This subsection and the
25 amendments made by this subsection shall apply

1 with respect to elections held on or after the date of
2 the enactment of this Act.

3 **SEC. 122. STATE REPORTING REQUIREMENTS WITH RE-**
4 **SPECT TO VOTER LIST MAINTENANCE.**

5 Section 8 of the National Voter Registration Act of
6 1993 (52 U.S.C. 20507) is amended—

7 (1) in subsection (i), by adding at the end the
8 following:

9 “(3) The records maintained pursuant to paragraph
10 (1) shall include lists of the names and addresses of all
11 registrants in a State who were inactive according to the
12 criteria described in subsection (d)(1)(B) and the length
13 of time each such registrant has been inactive according
14 to such criteria.”;

15 (2) by redesignating subsection (j) as sub-
16 section (k); and

17 (3) by inserting after subsection (i) the fol-
18 lowing new subsection:

19 “(j) REPORTING REQUIREMENTS.—Not later than
20 June 30 of each odd-numbered year, each State shall sub-
21 mit to the Election Assistance Commission a report that
22 includes, with respect to such State during the preceding
23 2-year period, the total number of—

24 “(1) registrants who were inactive according to
25 the criteria described in subsection (d)(1)(B) and

1 the length of time each such registrant has been in-
2 active according to such criteria;

3 “(2) registrants who voted in at least one of the
4 prior 2 consecutive general elections for Federal of-
5 fice;

6 “(3) registrants removed from the list of official
7 voters in the State pursuant to subsection (d)(1)(B);

8 “(4) notices sent to registrants pursuant to
9 subsection (d)(2); and

10 “(5) registrants who received a notice described
11 in paragraph (4) who responded to such notice.”.

12 **SEC. 123. CONTENTS OF STATE MAIL VOTER REGISTRATION**
13 **FORM.**

14 (a) SHORT TITLE.—This section may be cited as the
15 “State Instruction Inclusion Act”.

16 (b) IN GENERAL.—Section 6(a) of the National Voter
17 Registration Act of 1993 (52 U.S.C. 20505(a)) is amend-
18 ed—

19 (1) in paragraph (1), by inserting “, except that
20 a State may, in addition to the criteria stated in sec-
21 tion 9(b), require that an applicant provide proof
22 that the applicant is a citizen of the United States”
23 after “elections for Federal office”; and

24 (2) in paragraph (2), by inserting “and such
25 form may include a requirement that the applicant

1 provide proof that the applicant is a citizen of the
2 United States” after “elections for Federal office”.

3 **SEC. 124. PROVISION OF PHOTOGRAPHIC CITIZEN VOTER**
4 **IDENTIFICATION TOOLS FOR STATE USE.**

5 (a) SHORT TITLE.—This section may be cited as the
6 “Citizen Vote Protection Act”.

7 (b) FINDINGS; SENSE OF CONGRESS.—

8 (1) FINDINGS.—Congress finds the following:

9 (A) Photo voter identification programs es-
10 tablished by the States should be administered
11 without unlawful discrimination and with an
12 eye toward balancing appropriate access to the
13 ballot box with election integrity and voter con-
14 fidence goals.

15 (B) As confirmed by the bipartisan Com-
16 mission on Federal Election Reform (commonly
17 known as the Carter-Baker Commission),
18 “[v]oters in nearly 100 democracies use a photo
19 identification card without fear of infringement
20 of their rights”.

21 (C) As confirmed by the Carter-Baker
22 Commission, “[t]he right to vote is a vital com-
23 ponent of U.S. citizenship and all States should
24 use their best efforts to obtain proof of citizen-
25 ship before registering voters.”.

1 (D) The Carter-Baker Commission was
2 correct in its 2005 report when it recommended
3 that the REAL ID Act be “modestly adapted
4 for voting purposes to indicate on the front or
5 back whether the individual is a U.S. citizen.”.

6 (E) Congress acknowledges the important
7 work completed by the Carter-Baker Commis-
8 sion and, by amending the REAL ID Act, re-
9 solves the concerns in the Commission’s report
10 that “[t]he REAL ID Act does not require that
11 the card indicates citizenship, but that would
12 need to be done if the card is to be used for
13 voting purposes”.

14 (F) Photographic voter identification is im-
15 portant for ensuring voter confidence in election
16 processes and outcomes.

17 (G) Requiring photographic voter identi-
18 fication is well within States’ constitutional
19 competence, including pursuant to the Quali-
20 fications Clause of the Constitution of the
21 United States (article I, section 2, clause 2),
22 the Presidential Electors Clause of the Con-
23 stitution (article II, section 1, clause 2), and
24 the Seventeenth Amendment.

1 (H) The Fifteenth Amendment, the Nine-
2 teenth Amendment, the Twenty-Fourth Amend-
3 ment, and the Twenty-Sixth Amendment,
4 among other references, make clear that the
5 Constitution prohibits voting by non-citizens in
6 Federal elections.

7 (I) Congress has the constitutional author-
8 ity, including under the aforementioned amend-
9 ments, to pass statutes preventing non-citizens
10 from voting in Federal elections, and did so
11 with the Illegal Immigration Reform and Immi-
12 grant Responsibility Act of 1996.

13 (J) Congress may further exercise its con-
14 stitutional authority to ensure the Constitu-
15 tion's prohibition on non-citizen voting in Fed-
16 eral elections is upheld.

17 (2) SENSE OF CONGRESS.—It is the sense of
18 Congress that the States should implement the sub-
19 stance of the recommendation of the Carter-Baker
20 Commission that, “[t]o ensure that persons pre-
21 senting themselves at the polling place are the ones
22 on the registration list, the Commission recommends
23 that states [encourage] voters to use the REAL ID
24 card, which was mandated in a law signed by the
25 President in May 2005”.

1 (c) REAL ID ACT AMENDMENT.—

2 (1) AMENDMENT.—Section 202(b) of the Real
3 ID Act of 2005 (49 U.S.C. 30301 note) is amended
4 by adding at the end the following new paragraph:

5 “(10) If the person is a citizen of the United
6 States, an indication of that citizenship, except that
7 no other information may be included with respect
8 to the immigration status of the person.”.

9 (2) APPLICABILITY.—The amendment made by
10 this subsection shall be effective January 1, 2026,
11 and shall apply with respect to any driver’s license
12 or identification card issued by a State on and after
13 such date.

14 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
15 tion or in any amendment made by this section may be
16 construed to establish or mandate the use of a national
17 identification card or to authorize any office of the execu-
18 tive branch to establish or mandate the use of a national
19 identification card.

20 **SEC. 125. MANDATORY PROVISION OF IDENTIFICATION FOR**
21 **CERTAIN VOTERS NOT VOTING IN PERSON.**

22 (a) REQUIRING VOTERS TO PROVIDE IDENTIFICA-
23 TION.—Title III of the Help America Vote Act of 2002
24 (52 U.S.C. 21081 et seq.) is amended—

1 (1) by redesignating sections 304 and 305 as
2 sections 305 and 306; and

3 (2) by inserting after section 303 the following
4 new section:

5 **“SEC. 304. MANDATORY PROVISION OF IDENTIFICATION**
6 **FOR CERTAIN VOTERS WHO VOTE BY MAIL.**

7 “(a) FINDING OF CONSTITUTIONAL AUTHORITY.—
8 Congress finds that it has the authority to establish the
9 terms and conditions that States must follow with respect
10 to the administration of voting by mail because article I,
11 section 8, clause 7 of the Constitution of the United States
12 and other enumerated powers grant Congress the power
13 to regulate the operations of the United States Postal
14 Service.

15 “(b) REQUIRING PROVISION OF IDENTIFICATION TO
16 RECEIVE A BALLOT OR VOTE IN CERTAIN CASES.—

17 “(1) INDIVIDUALS REQUESTING A BALLOT TO
18 VOTE BY MAIL.—Notwithstanding any other provi-
19 sion of law, the appropriate State or local election
20 official may not provide an individual a ballot to vote
21 by mail for an election for Federal office in a case
22 in which the individual requested such ballot other
23 than in person from the appropriate State or local
24 election official of the State at a State designated
25 elections office unless the individual submits with

1 the application for the ballot a copy of an identifica-
2 tion described in paragraph (3).

3 “(2) INDIVIDUALS VOTING BY MAIL IN CERTAIN
4 CASES.—

5 “(A) IN GENERAL.—Notwithstanding any
6 other provision of law, in a case in which the
7 appropriate State or local election official pro-
8 vides an individual a ballot to vote by mail for
9 an election for Federal office without requiring
10 such individual to submit a separate application
11 or request to receive such ballot for each such
12 election, the election official may not accept the
13 voted ballot unless the individual submits with
14 the voted ballot a copy of an identification de-
15 scribed in paragraph (3).

16 “(B) FAIL-SAFE VOTING.—An individual
17 who desires to vote other than in person but
18 who does not meet the requirements of subpara-
19 graph (A) may cast such a ballot other than in
20 person and the ballot shall be counted as a pro-
21 visional ballot in accordance with section
22 302(a).

23 “(3) IDENTIFICATION DESCRIBED.—An identi-
24 fication described in this paragraph is, with respect
25 to an individual—

1 “(A) a current and valid photo identifica-
2 tion of the individual;

3 “(B) a copy of a current utility bill, bank
4 statement, government check, paycheck, or
5 other government document that shows the
6 name and address of the individual;

7 “(C) a valid driver’s license or an identi-
8 fication card issued by a State or the identifica-
9 tion number for such driver’s license or identi-
10 fication card issued by a State;

11 “(D) the last 4 digits of the individual’s
12 social security number; or

13 “(E) such other documentation issued by a
14 Federal, State, or local government that pro-
15 vides the same or more identifying information
16 as required by subparagraphs (A) through (D)
17 such that the election official is reasonably cer-
18 tain as to the identity of the individual.

19 “(c) EXCEPTIONS.—This section does not apply with
20 respect to any individual who is—

21 “(1) entitled to vote by absentee ballot under
22 the Uniformed and Overseas Citizens Absentee Vot-
23 ing Act (52 U.S.C. 20301 et seq.);

24 “(2) provided the right to vote otherwise than
25 in person under section 3(b)(2)(B)(ii) of the Voting

1 Accessibility for the Elderly and Handicapped Act
2 (52 U.S.C. 20102(b)(2)(B)(ii)); or

3 “(3) entitled to vote otherwise than in person
4 under any other Federal law.

5 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
6 tion may be construed as prohibiting a State from impos-
7 ing identification requirements to request a ballot to vote
8 by mail or cast a vote by mail that are more stringent
9 than the requirements under this section.

10 “(e) EFFECTIVE DATE.—This section shall take ef-
11 fect on January 1, 2024.”.

12 (b) CONFORMING AMENDMENTS RELATING TO EX-
13 ISTING IDENTIFICATION REQUIREMENTS.—

14 (1) TREATMENT AS INDIVIDUALS REGISTERING
15 TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME
16 VOTER IDENTIFICATION REQUIREMENTS.—Section
17 303(b)(1)(A) of the Help America Vote Act of 2002
18 (52 U.S.C. 21083(b)(1)(A)) is amended by striking
19 “by mail” and inserting “by mail or otherwise not
20 in person at an elections office or voter registration
21 agency of the State”.

22 (2) EXCEPTIONS.—Section 303(b)(3) of the
23 Help America Vote Act of 2002 (52 U.S.C.
24 21083(b)(3)) is amended—

1 (A) in subparagraph (A), by striking “by
2 mail under section 6 of the National Voter Reg-
3 istration Act of 1993 (42 U.S.C. 1973gg-4)”
4 and inserting “by mail under section 6 of the
5 National Voter Registration Act of 1993 (52
6 U.S.C. 20505) or otherwise not in person at a
7 voter registration agency of the State”; and

8 (B) in subparagraph (B)(i), by striking
9 “by mail under section 6 of the National Voter
10 Registration Act of 1993 (42 U.S.C. 1973gg-
11 4)” and inserting “by mail under section 6 of
12 the National Voter Registration Act of 1993
13 (52 U.S.C. 20505) or otherwise not in person
14 at a voter registration agency of the State”.

15 (3) EXPANSION OF TYPES OF IDENTIFICATION
16 PERMITTED.—Section 303(b)(2)(A) of the Help
17 America Vote Act of 2002 (52 U.S.C.
18 21083(b)(2)(A)) is amended—

19 (A) in clause (i)—

20 (i) in subclause (I), by striking “or”
21 at the end; and

22 (ii) by adding at the end the following
23 new subclause:

24 “(III) such other documentation
25 issued by a Federal, State, or local

1 government that provides the same or
2 more identifying information as re-
3 quired by subclauses (I) and (II) such
4 that the election official is reasonably
5 certain as to the identity of the indi-
6 vidual; or”; and

7 (B) in clause (ii)—

8 (i) in subclause (I), by striking “or”
9 at the end;

10 (ii) in subclause (II), by striking the
11 period at the end and inserting “; or”; and

12 (iii) by adding at the end the fol-
13 lowing new subclause:

14 “(III) such other documentation
15 issued by a Federal, State, or local
16 government that provides the same or
17 more identifying information as re-
18 quired by subclauses (I) and (II) such
19 that the election official is reasonably
20 certain as to the identity of the indi-
21 vidual.”.

22 (c) CONFORMING AMENDMENT RELATING TO EN-
23 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
24 is amended by striking “and 303” and inserting “303, and
25 304”.

1 (d) CLERICAL AMENDMENT.—The table of contents
2 of such Act is amended—

3 (1) by redesignating the items relating to sec-
4 tions 304 and 305 as relating to sections 305 and
5 306; and

6 (2) by inserting after the item relating to sec-
7 tion 303 the following:

“Sec. 304. Mandatory provision of identification for certain voters who vote by
mail.”.

8 **SEC. 126. CONFIRMING ACCESS FOR CONGRESSIONAL**
9 **ELECTION OBSERVERS.**

10 (a) SHORT TITLE.—This section may be cited as the
11 “Confirmation of Congressional Observer Access Act of
12 2022” or the “COCOA Act of 2022”.

13 (b) FINDINGS RELATING TO CONGRESSIONAL ELEC-
14 TION OBSERVERS.—Congress finds the following:

15 (1) The Constitution delegates to each of House
16 of the Congress the authority to “be the Judge of
17 the Elections, Returns and Qualifications of its own
18 Members”.

19 (2) While, in general, Congress shall respect the
20 determination of State authorities with respect to
21 the election of members to each House, each House
22 of Congress serves as the final arbiter over any con-
23 test to the seating of any putative Member-elect or
24 Senator-elect.

1 (3) These election contest procedures are con-
2 tained in the precedents of each House of Congress.
3 Further, for the House of Representatives the proce-
4 dures exist under the Federal Contested Elections
5 Act.

6 (4) In the post-Civil War modern era, more
7 than 100 election contests have been filed with the
8 House of Representatives.

9 (5) For decades, Congress has appointed and
10 sent out official congressional observers to watch the
11 administration of congressional elections in the
12 States and territories.

13 (6) These observers serve to permit Congress to
14 develop its own factual record in preparation for
15 eventual contests and for other reasons.

16 (7) This section and the amendments made by
17 this section do not establish any new authorities or
18 procedures but are provided simply to permit a con-
19 venient statutory reference for existing Congres-
20 sional authority and activity.

21 (c) CONFIRMING REQUIREMENT THAT STATES PRO-
22 VIDE ACCESS.—Title III of the Help America Vote Act
23 of 2002 (52 U.S.C. 21081 et seq.), as amended by section
24 125(a), is amended—

1 (1) by redesignating sections 305 and 306 as
2 sections 306 and 307; and

3 (2) by inserting after section 304 the following
4 new section:

5 **“SEC. 305. CONFIRMING ACCESS FOR CONGRESSIONAL**
6 **ELECTION OBSERVERS.**

7 “(a) FINDING OF CONSTITUTIONAL AUTHORITY.—
8 Congress finds that it has the authority to require that
9 States allow access to designated Congressional election
10 observers to observe the election administration proce-
11 dures in an election for Federal office because the author-
12 ity granted to Congress under article I, section 5 of the
13 Constitution of the United States gives each House of
14 Congress the power to be the judge of the elections, re-
15 turns and qualifications of its own Members.

16 “(b) REQUIRING STATES TO PROVIDE ACCESS.—A
17 State shall provide each individual who is a designated
18 Congressional election observer for an election with full
19 access to clearly observe all of the elements of the adminis-
20 tration procedures with respect to such election, including
21 but not limited to in all areas of polling places and other
22 facilities where ballots in the election are processed, tab-
23 ulated, cast, canvassed, and certified, in all areas where
24 voter registration activities occur before such election, and
25 in any other such place where election administration pro-

cedures to prepare for the election or carry out any post-election recounts take place. No designated Congressional election observer may handle ballots, elections equipment (voting or non-voting), advocate for a position or candidate, take any action to reduce ballot secrecy, or otherwise interfere with the elections administration process.

“(c) DESIGNATED CONGRESSIONAL ELECTION OBSERVER DESCRIBED.—In this section, a ‘designated Congressional election observer’ is an individual who is designated in writing by the chair or ranking minority member of the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate, or the successor committee in either House of Congress to gather information with respect to an election, including in the event that the election is contested in the House of Representatives or the Senate and for other purposes permitted by article 1, section 5 of the Constitution of the United States.”.

(d) CONFORMING AMENDMENT RELATING TO ENFORCEMENT.—Section 401 of such Act (52 U.S.C. 21111), as amended by section 125(c), is amended by striking “and 304” and inserting “304, and 305”.

(e) CLERICAL AMENDMENT.—The table of contents of such Act, as amended by section 125(d), is amended—

1 (1) by redesignating the items relating to sec-
2 tions 305 and 306 as relating to sections 306 and
3 307; and

4 (2) by inserting after the item relating to sec-
5 tion 304 the following:

“Sec. 305. Confirming access for Congressional election observers.”.

6 **SEC. 127. USE OF REQUIREMENTS PAYMENTS FOR POST-**
7 **ELECTION AUDITS.**

8 Section 251(b)(1) of the Help America Vote Act of
9 2002 (52 U.S.C. 21001(b)(1)) is amended by inserting “,
10 including to conduct and publish an audit of the effective-
11 ness and accuracy of the voting systems, election proce-
12 dures, and outcomes used to carry out an election for Fed-
13 eral office in the State and the performance of the State
14 and local election officials who carried out the election”
15 after “requirements of title III”.

16 **SEC. 128. CERTAIN TAX BENEFITS AND SIMPLIFICATION**
17 **WITH RESPECT TO ELECTION WORKERS.**

18 (a) SHORT TITLE.—This section may be cited as the
19 “Election Worker Employer Participation Act”.

20 (b) EXCLUSION FROM GROSS INCOME FOR CERTAIN
21 ELECTION WORKER COMPENSATION.—

22 (1) IN GENERAL.—Part III of subchapter B of
23 chapter 1 of the Internal Revenue Code of 1986 is
24 amended by inserting after section 139H the fol-
25 lowing new section:

1 **“SEC. 139I. CERTAIN COMPENSATION OF ELECTION WORK-**
2 **ERS.**

3 “(a) IN GENERAL.—Gross income shall not include
4 qualified election worker compensation.

5 “(b) LIMITATION.—The amount excludible from
6 gross income under subsection (a) with respect to any tax-
7 payer for any taxable year shall not exceed the dollar
8 amount in effect under section 3121(b)(7)(F)(iv) for the
9 calendar year in which such taxable year begins.

10 “(c) QUALIFIED ELECTION WORKER COMPENSA-
11 TION.—For purposes of this section, the term ‘qualified
12 election worker compensation’ means amounts otherwise
13 includible in gross income which are paid by a State, polit-
14 ical subdivision of a State, or any instrumentality of a
15 State or any political subdivision thereof, for the service
16 of an individual as an election official or election worker
17 (within the meaning of section 3121(b)(7)(F)(iv)).”.

18 (2) CLERICAL AMENDMENT.—The table of sec-
19 tions for part III of subchapter B of chapter 1 of
20 such Code is amended by inserting after the item re-
21 lating to section 139H the following new item:

“Sec. 139I. Certain compensation of election workers.”.

22 (c) INFORMATION REPORTING NOT REQUIRED BY
23 REASON OF CERTAIN AMOUNTS EXCLUDIBLE FROM
24 GROSS INCOME.—Section 6041 of such Code is amended
25 by adding at the end the following new subsection:

1 “(h) TREATMENT OF CERTAIN EXCLUDIBLE COM-
2 PENSATION OF ELECTION WORKERS.—In the case of any
3 payment by a State, political subdivision of a State, or
4 any instrumentality of a State or any political subdivision
5 thereof, for the service of an individual as an election offi-
6 cial or election worker (within the meaning of section
7 3121(b)(7)(F)(iv)), the determination of whether the \$600
8 threshold described in subsection (a) has been met with
9 respect to such individual shall be determined by not tak-
10 ing into account—

11 “(1) any such payment which is qualified elec-
12 tion worker compensation (as defined in section
13 139I(c)) which does not exceed the limitation de-
14 scribed in section 139I(b), and

15 “(2) any such payment which is excludible from
16 the gross income of such individual under section
17 127.”.

18 (d) EFFECTIVE DATE.—The amendments made by
19 this section shall apply to payments made after December
20 31, 2022, in taxable years ending after such date.

21 **SEC. 129. VOLUNTARY GUIDELINES WITH RESPECT TO NON-**
22 **VOTING ELECTION TECHNOLOGY.**

23 (a) SHORT TITLE.—This section may be cited as the
24 “Protect American Voters Act”.

1 (b) ADOPTION OF VOLUNTARY GUIDELINES BY
2 ELECTION ASSISTANCE COMMISSION.—

3 (1) ADOPTION OF GUIDELINES.—Title II of the
4 Help America Vote Act of 2002 (52 U.S.C. 20921
5 et seq.) is amended by adding at the end the fol-
6 lowing new subtitle:

7 **“Subtitle E—Voluntary Guidelines**
8 **for Use of Nonvoting Election**
9 **Technology**

10 **“SEC. 298. ADOPTION OF VOLUNTARY GUIDELINES BY COM-**
11 **MISSION.**

12 “(a) ADOPTION.—The Commission shall adopt vol-
13 untary guidelines for election officials on the use of non-
14 voting election technology, taking into account the rec-
15 ommendations of the Standards Board **[New:]** and the
16 Local Leadership Council of the Commission under section
17 298A.

18 “(b) REVIEW.—The Commission shall review the
19 guidelines adopted under this subtitle not less frequently
20 than once every 4 years, and may adopt revisions to the
21 guidelines as it considers appropriate.

22 “(c) PROCESS FOR ADOPTION.—The adoption of the
23 voluntary guidelines under this subtitle shall be carried
24 out by the Commission in a manner that provides for each
25 of the following:

1 “(1) Publication of notice of the proposed
2 guidelines in the Federal Register.

3 “(2) An opportunity for public comment on the
4 proposed guidelines.

5 “(3) An opportunity for a public hearing on the
6 record.

7 “(4) Publication of the final recommendations
8 in the Federal Register.

9 “(d) DEADLINE FOR INITIAL SET OF GUIDELINES.—
10 The Commission shall adopt the initial set of voluntary
11 guidelines under this section not later than December 31,
12 2025.

13 **“SEC. 298A. ROLE OF STANDARDS BOARD AND LOCAL LEAD-
14 ERSHIP COUNCIL.**

15 “(a) DUTIES.—The Standards Board **[New:]** and
16 the Local Leadership Council of the Commission shall as-
17 sist the Commission in the adoption of voluntary guide-
18 lines under section 298, including by providing the Com-
19 mission with recommendations on appropriate standards
20 for the use of nonvoting election technology, including
21 standards to ensure the security and accuracy, and pro-
22 mote the usability, of such technology, and by conducting
23 a review of existing State programs with respect to the
24 testing of nonvoting election technology.

25 “(b) SOURCES OF ASSISTANCE.—

1 “(1) CERTAIN MEMBERS OF TECHNICAL GUIDE-
2 LINES DEVELOPMENT COMMITTEE.—The following
3 members of the Technical Guidelines Development
4 Committee under section 221 shall assist the Stand-
5 ards Board **[New:]** and the Local Leadership Coun-
6 cil in carrying out their duties under this section:

7 “(A) The Director of the National Insti-
8 tute of Standards and Technology.

9 “(B) The representative of the American
10 National Standards Institute.

11 “(C) The representative of the Institute of
12 Electrical and Electronics Engineers.

13 “(D) The 4 members of the Technical
14 Guidelines Development Committee appointed
15 under subsection (c)(1)(E) of such section as
16 the other individuals with technical and sci-
17 entific expertise relating to voting systems and
18 voting equipment.

19 “(2) DETAILEE FROM CISA.—The Executive
20 Board of the Standards Board may request the Di-
21 rector of the Cybersecurity and Infrastructure Secu-
22 rity Agency of the Department of Homeland Secu-
23 rity to provide a detailee to assist the Standards
24 Board in carrying out its duties under this section,

1 so long as such detailee has no involvement in the
2 drafting of any of the voluntary guidelines.

3 **“SEC. 298B. USE OF PAYMENTS TO OBTAIN OR UPGRADE**
4 **TECHNOLOGY.**

5 “A State may use funds provided under any law for
6 activities to improve the administration of elections for
7 Federal office, including to enhance election technology
8 and make election security improvements, to obtain non-
9 voting election technology which is in compliance with the
10 voluntary guidelines adopted under section 298 or to up-
11 grade nonvoting election technology so that the technology
12 is in compliance with such guidelines, and may, notwith-
13 standing any other provision of law, use any unobligated
14 grant funding provided to the State by the Election Assist-
15 ance Commission from amounts appropriated under the
16 heading ‘Independent Agencies—Election Assistance
17 Commission—Election Security Grants’ in title V of divi-
18 sion C of the Consolidated Appropriations Act, 2020 (Pub-
19 lic Law 116–93) for the purposes of enhancing election
20 technology and making election security improvements
21 until December 31, 2024.

22 **“SEC. 298C. NONVOTING ELECTION TECHNOLOGY DEFINED.**

23 “In this subtitle, the term ‘nonvoting election tech-
24 nology’ means technology used in the administration of
25 elections for Federal office which is not used directly in

1 the casting, counting, tabulating, or collecting of ballots
2 or votes, including each of the following:

3 “(1) Electronic pollbooks or other systems used
4 to check in voters at a polling place or verify a vot-
5 er’s identification.

6 “(2) Election result reporting systems.

7 “(3) Electronic ballot delivery systems.

8 “(4) Online voter registration systems.

9 “(5) Polling place location search systems.

10 “(6) Sample ballot portals.

11 “(7) Signature systems.

12 “(8) Such other technology as may be rec-
13 ommended for treatment as nonvoting election tech-
14 nology as the Standards Board may recommend.”.

15 (2) CLERICAL AMENDMENT.—The table of con-
16 tents of such Act is amended by adding at the end
17 of the items relating to title II the following:

“Subtitle E—Voluntary Guidelines for Use of Nonvoting Election Technology

“Sec. 298. Adoption of voluntary guidelines by Commission.

“Sec. 298A. Role of Standards Board and Local Leadership Council.

“Sec. 298B. Use of payments to obtain or upgrade technology.

“Sec. 298C. Nonvoting election technology defined.”.

18 (c) TREATMENT OF TECHNOLOGY USED IN MOST
19 RECENT ELECTION.—Any nonvoting election technology,
20 as defined in section 298C of the Help America Vote Act
21 of 2002 (as added by subsection (a)(1)), which a State
22 used in the most recent election for Federal office held

1 in the State prior to the date of the enactment of this
2 Act shall be deemed to be in compliance with the voluntary
3 guidelines on the use of such technology which are adopted
4 by the Election Assistance Commission under section 298
5 of such Act (as added by subsection (a)(1)).

6 **SEC. 130. STATUS REPORTS BY NATIONAL INSTITUTE OF**
7 **STANDARDS AND TECHNOLOGY.**

8 Section 231 of the Help America Vote Act of 2002
9 (52 U.S.C. 20971) is amended by adding at the end the
10 following new subsection:

11 “(e) STATUS REPORTS BY NATIONAL INSTITUTE OF
12 STANDARDS AND TECHNOLOGY.—Not later than 60 days
13 after the end of each fiscal year (beginning with 2023),
14 the Director of the National Institute of Standards and
15 Technology shall submit to Congress a status report de-
16 scribing—

17 “(1) the extent to which the Director carried
18 out the Director’s responsibilities under this Act
19 during the fiscal year, including the responsibilities
20 imposed under this section and the responsibilities
21 imposed with respect to the Technical Guidelines
22 Development Committee under section 222, together
23 with the Director’s best estimate of when the Direc-
24 tor will completely carry out any responsibility which

1 was not carried out completely during the fiscal
2 year; and

3 “(2) the extent to which the Director carried
4 out any projects requested by the Commission dur-
5 ing the fiscal year, together with the Director’s best
6 estimate of when the Director will complete any such
7 project which the Director did not complete during
8 the fiscal year.”.

9 **SEC. 131. 501(c)(3) ORGANIZATIONS PROHIBITED FROM**
10 **PROVIDING DIRECT FUNDING TO ELECTION**
11 **ORGANIZATIONS.**

12 (a) IN GENERAL.—Section 501(c)(3) of the Internal
13 Revenue Code of 1986 is amended—**[New (based on HR**
14 **1725): Note that, as drafted, this would not only prohibit**
15 **any 501(c)(3) organization from providing any form of as-**
16 **sistance with respect to the administration of an election**
17 **(e.g., a church couldn’t permit its building be used as a**
18 **polling place), but that, read technically, this language**
19 **would prohibit any 501(c)(3) organization from providing**
20 **anything of value to a State or local government for any**
21 **reason whatsoever, even if it has nothing to do with the**
22 **administration of an election (including providing scholar-**
23 **ships to local schools, remodeling parks and recreation fa-**
24 **cilities, or giving local law enforcement a discount on**
25 **equipment and services).]**

1 (1) by striking “and which does not partici-
2 pate” and inserting “which does not participate”,
3 and

4 (2) by striking the period at the end and insert-
5 ing “, and which does not provide below-cost serv-
6 ices, scholarships, subsidies, or direct, in-kind, or in-
7 direct funding to official election organizations, in-
8 cluding any State or local government entity or any
9 government election organization.”.

10 (b) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to funding provided in taxable
12 years beginning after December 31, 2023.

13 **SEC. 132. REQUIREMENTS WITH RESPECT TO ELECTION**
14 **MAIL.**

15 (a) SHORT TITLE.—This section may be cited as the
16 “Election Integrity Mail Reform Act of 2022”.

17 (b) PRIORITIZING ELECTION MAIL.—Title 39,
18 United States Code, is amended by adding after chapter
19 36 the following:

20 **“CHAPTER 37—ELECTION AND POLITICAL**
21 **MAIL**

“Sec.

“3701. Prioritization of processing and delivery of election mail.

“3702. Use of nonprofit permit for cooperative mailings.

“3703. Marking or notice on election mail

“3704. Application to Uniformed and Overseas Citizens Absentee Voting Act.

1 **“§ 3701. Prioritization of processing and delivery of**
2 **election mail**

3 “(a) IN GENERAL.—The Postal Service shall give pri-
4 ority to the processing and delivery of election mail. In
5 carrying out this subsection, the Postal Service shall at
6 a minimum—

7 “(1) deliver any election mail regardless of the
8 amount of postage paid;

9 “(2) shall, to the greatest extent practicable,
10 process and clear election mail from any postal facil-
11 ity each day; and

12 “(3) carry and deliver election mail expedi-
13 tiously.

14 “(b) ELECTION MAIL WITH INSUFFICIENT POST-
15 AGE.—In carrying out subsection (a)(1), the Postal Serv-
16 ice shall process and deliver election mail with insufficient
17 postage in the same manner as election mail with suffi-
18 cient postage, but may collect insufficient postage after
19 delivery of any election mail with insufficient postage.

20 “(c) UNDERFUNDED OR OVERDRAWN ACCOUNTS.—
21 The Postal Service shall process and deliver election mail,
22 under the standards in place under subsection (a), sent
23 from a customer using an account registered with the
24 Postal Service (including a corporate account or an ad-
25 vance deposit account) even if such account is under-
26 funded or overdrawn. Nothing in this section shall be con-

1 strued to limit or otherwise prevent the Postal Service
2 from seeking reimbursement from any person regarding
3 unpaid postage.

4 “(d) ELECTION MAIL DEFINED.—In this chapter,
5 the term ‘election mail’ means any item mailed to or from
6 an individual for purposes of the individual’s participation
7 in an election for public office, including balloting mate-
8 rials, voter registration cards, absentee ballot applications,
9 polling place notification and photographic voter identi-
10 fication materials.

11 **“§ 3702. Use of nonprofit permit for cooperative mail-**
12 **ings**

13 “Notwithstanding any other law, rule, or regulation,
14 a national, State, or local committee of a political party
15 (as defined under the Federal Election Campaign Act of
16 1971) which is eligible to mail at the nonprofit rate may
17 conduct a cooperative mailing at that nonprofit rate with
18 a candidate, a candidate’s committee, or another com-
19 mittee of a political party, and may seek reimbursement
20 from such a candidate, candidate’s committee, or com-
21 mittee of a political party for the costs of such mailing.

22 **“§ 3703. Marking or notice on election mail**

23 “(a) IN GENERAL.—For the purposes of assisting
24 election officials in processing election mail, the Postal

1 Service shall place a marking or notice indicating that a
2 piece of mail is election mail.

3 “(b) REQUIREMENTS.—The Postal Service may de-
4 termine the appropriate manner in which subsection (a)
5 is carried out, but at a minimum such marking or notice
6 shall—

7 “(1) be placed, as soon as practicable, at the
8 time the election mail is received by the Postal Serv-
9 ice, in a conspicuous and legible type or in a com-
10 mon machine-readable technology on the envelope or
11 other cover in which the election mail is mailed; and

12 “(2) clearly demonstrate the date and time that
13 such marking or noticed was so placed.

14 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
15 tion may be construed as requiring any change to the
16 processes and procedures used by the Postal Service with
17 respect to Postal Service barcodes on envelopes carried or
18 delivered by the Postal Service.

19 **“§ 3704. Application to Uniformed and Overseas Citi-**
20 **zens Absentee Voting Act**

21 “This chapter shall not apply to balloting materials
22 under the Uniformed and Overseas Citizens Absentee Vot-
23 ing Act and nothing in this chapter shall be construed to
24 alter or otherwise affect the operation of such Act or sec-
25 tion 3406 of this title.”.

1 (c) POSTMARKING STAMPS.—Section 503 of title 18,
2 United States Code, is amended—

3 (1) by striking “Whoever forges” and inserting
4 “(a) Whoever forges”;

5 (2) by striking “or such impression thereof,”
6 and all that follows and inserting the following:

7 “or such impression thereof—

8 “(1) shall be fined under this title or impris-
9 oned not more than five years, or both; or

10 “(2) if the impression from a postmarking
11 stamp or impression thereof forged, counterfeited,
12 used, sold, or possessed in violation of this section
13 is applied to a mailed ballot for an election for Fed-
14 eral, State, or local office, shall be fined under this
15 title or imprisoned not more than 10 years, or
16 both.”; and

17 (3) by adding at the end following new sub-
18 section:

19 “(a) Whoever, with the intent to falsify the date on
20 which a postmark was applied, applies to a mailed ballot
21 described in subsection (a)(2) a genuine postmark that
22 bears a date other than the date on which such postmark
23 was applied, shall be subject to the penalties set forth in
24 such subsection.”.

1 **SEC. 133. CLARIFICATION OF RIGHT OF STATE TO APPEAL**
2 **DECISIONS THROUGH DULY AUTHORIZED**
3 **REPRESENTATIVE.**

4 Section 1254 of title 28, United States Code, is
5 amended—

6 (1) in paragraph (1), by striking the semicolon
7 at the end and inserting a period; and

8 (2) by adding at the end the following:

9 “(3) By appeal by a party (including the State
10 as represented by any agent authorized as a party
11 under State law) relying on a State statute held by
12 a court of appeals to be invalid as repugnant to the
13 Constitution, treaties or laws of the United States,
14 but such appeal shall preclude review by writ of cer-
15 tiorari at the instance of such appellant, and the re-
16 view on appeal shall be restricted to the Federal
17 questions presented.”.

18 **SEC. 134. FEDERAL AGENCY INVOLVEMENT IN VOTER REG-**
19 **ISTRATION ACTIVITIES.**

20 (a) **SHORT TITLE.**—This section may be cited as the
21 “Promoting Free and Fair Elections Act”. **[Note: Sub-**
22 *sections (a), (c), (d), (e), and (f) are from HR 3072, while*
23 *subsection (b) is the text of section 134 of the ACE Act from*
24 *the 117th.]*

25 (b) **CLARIFICATION OF FEDERAL AGENCY INVOLVE-**
26 **MENT IN VOTER REGISTRATION ACTIVITIES.**—Executive

1 Order 14019 (86 Fed. Reg. 13623; relating to promoting
2 access to voting) shall have no force or effect to the extent
3 that it is inconsistent with section 7 of the National Voter
4 Registration Act of 1993 (52 U.S.C. 20506).

5 (c) PROHIBITING PROMOTION OF VOTER REGISTRA-
6 TION BY AGENCIES.—

7 (1) AGREEMENTS WITH NONGOVERNMENTAL
8 ORGANIZATIONS.—None of the funds made available
9 for the salaries and expenses of an agency may be
10 used to solicit or enter into an agreement with a
11 nongovernmental organization to conduct voter reg-
12 istration or voter mobilization activities, including
13 registering voters or providing any person with voter
14 registration materials, absentee or vote-by-mail bal-
15 lot applications, voting instructions, or candidate-re-
16 lated information, on the property or website of the
17 agency.

18 (2) ACTIVITIES UNDER EXECUTIVE ORDER
19 14019.—

20 (A) DELAY IN IMPLEMENTATION.—

21 (i) DELAY.—Except as provided in
22 clause (ii), none of the funds made avail-
23 able for the salaries and expenses of an
24 agency may be used to implement activities

1 directed under Executive Order 14019 (86
2 Fed. Reg. 13623) until—

3 (I) in the case of an agency that
4 is required to submit a report to the
5 appropriate congressional committees
6 under subparagraph (B)(i), 180 days
7 after the agency submits the report;
8 or

9 (II) in the case of an agency that
10 is required to submit a report to the
11 appropriate congressional committees
12 under subparagraph (B)(ii), the date
13 on which the agency submits the re-
14 port.

15 (ii) EXCEPTION.—Clause (i) shall not
16 apply to any activity described in section
17 7(c) of the National Voter Registration Act
18 of 1993 (52 U.S.C. 20506(c)).

19 (B) REPORT.—Not later than 30 days
20 after the date of enactment of this Act, the
21 head of each agency shall submit to the appro-
22 priate congressional committees—

23 (i) a copy of the strategic plan of the
24 agency for promoting voter registration
25 and voter participation under section 3(b)

1 of Executive Order 14019 (86 Fed. Reg.
2 13623) that the agency developed or sub-
3 mitted to the Assistant to the President
4 for Domestic Policy; or

5 (ii) if the agency did not develop or
6 submit a plan described in clause (i) to the
7 Assistant to the President for Domestic
8 Policy, a certification signed by the head of
9 the agency that the agency did not develop
10 or submit such a plan.

11 (3) EFFECTIVE DATE.—Except as provided in
12 paragraph (2)(B), this section shall apply with re-
13 spect to fiscal year 2023 and each succeeding fiscal
14 year.

15 (d) ADDITIONAL REPORT ON VOTER REGISTRATION
16 AND MOBILIZATION.—Not later than 30 days after the
17 date of enactment of this Act, the head of each agency
18 shall submit to the appropriate congressional committees
19 a report describing the activities carried out by the agency
20 pursuant to sections 3 and 4 of Executive Order 14019
21 (86 Fed. Reg. 13623).

22 (e) PROHIBITING VOTER REGISTRATION AND MOBI-
23 LIZATION IN FEDERAL WORK-STUDY PROGRAMS.—Sec-
24 tion 443(b)(1) of the Higher Education Act of 1965 (20
25 U.S.C. 1087–53(b)(1)) is amended—

1 (1) in subparagraph (C), by striking “and”;

2 (2) by redesignating subparagraph (D) as sub-
3 paragraph (E); and

4 (3) by inserting after subparagraph (C) the fol-
5 lowing:

6 “(D) does not involve registering or mobi-
7 lizing voters on or off the campus of the institu-
8 tion; and”.

9 (f) DEFINITIONS.—In this section:

10 (1) AGENCY.—The term “agency” has the
11 meaning given the term in section 3502(1) of title
12 44, United States Code, except that for purposes of
13 subsection (c)(2) such term does not include an
14 independent regulatory agency as defined in section
15 3502(5) of title 44, United States Code.

16 (2) APPROPRIATE CONGRESSIONAL COMMIT-
17 TEES.—The term “appropriate congressional com-
18 mittees” means—

19 (A) the Committee on Rules and Adminis-
20 tration of the Senate;

21 (B) the Committee on the Judiciary of the
22 Senate;

23 (C) the Committee on House Administra-
24 tion of the House of Representatives; and

1 (D) the Committee on the Judiciary of the
2 House of Representatives.

3 **SEC. 135. PROHIBITION ON USE OF FEDERAL FUNDS FOR**
4 **ELECTION ADMINISTRATION IN STATES THAT**
5 **PERMIT BALLOT HARVESTING.**

6 (a) SHORT TITLE.—This section may be cited as the
7 “No Federal Funds for Ballot Harvesting Act”.

8 (b) FINDINGS.—Congress finds that—

9 (1) the right to vote is a fundamental right of
10 citizens of the United States, as described by the
11 Constitution of the United States;

12 (2) the Committee on House Administration of
13 the House of Representatives, which is charged with
14 investigating election irregularities, received reports
15 through its official Election Observer Program for
16 the 2018 general election and the 2020 general elec-
17 tion, as well as from other stakeholders, that individ-
18 uals other than voters themselves were depositing
19 large amounts of absentee ballots at polling places
20 throughout California and other States, a practice
21 colloquially known as “ballot harvesting”;

22 (3) the practice of ballot harvesting creates sig-
23 nificant vulnerabilities in the chain-of-custody of bal-
24 lots because individuals collecting ballots are not re-
25 quired to be registered voters and are not required

1 to identify themselves at a voter's home, and the
2 State does not track how many ballots are harvested
3 in an election;

4 (4) in North Carolina, a congressional election
5 was invalidated due to fraud associated with ballot
6 harvesting committed by a political operative, and it
7 is unlikely such activity would have been detected
8 were it not for the prohibition against ballot har-
9 vesting in the State;

10 (5) ballot harvesting invites electioneering activ-
11 ity at home and weakens States' long-standing voter
12 protection procedures, which remain in place at poll-
13 ing locations, creating the possibility of undue influ-
14 ence over voters by political operatives and other bad
15 actors; and

16 (6) the Supreme Court of the United States has
17 affirmed State authority to restrict ballot harvesting
18 (*Brnovich v. Democratic National Committee*, 141 S.
19 Ct. 2321 (2021)).

20 (c) PROHIBITION ON FEDERAL FUNDS FOR ELEC-
21 TION ADMINISTRATION FOR STATES ALLOWING COLLEC-
22 TION AND TRANSMISSION OF BALLOTS BY CERTAIN
23 THIRD PARTIES.—

1 (1) IN GENERAL.—The Help America Vote Act
2 of 2002 (52 U.S.C. 20901 et seq.) is amended by
3 adding at the end the following new section:

4 **“SEC. 908. PROHIBITION ON FEDERAL FUNDS FOR ELEC-**
5 **TION ADMINISTRATION FOR STATES ALLOW-**
6 **ING COLLECTION AND TRANSMISSION OF**
7 **BALLOTS BY CERTAIN THIRD PARTIES.**

8 “(a) IN GENERAL.—Notwithstanding any other pro-
9 vision of law, no Federal funds may be used to administer
10 any election for Federal office in a State unless the State
11 has in effect a law that prohibits an individual from the
12 knowing collection and transmission of a ballot in an elec-
13 tion for Federal office that was mailed to another person,
14 other than an individual described as follows:

15 “(1) An election official while engaged in offi-
16 cial duties as authorized by law.

17 “(2) An employee of the United States Postal
18 Service or other commercial common carrier engaged
19 in similar activities while engaged in duties author-
20 ized by law.

21 “(3) Any other individual who is allowed by law
22 to collect and transmit United States mail, while en-
23 gaged in official duties as authorized by law.

1 “(4) A family member, household member, or
2 caregiver of the person to whom the ballot was
3 mailed.

4 “(b) DEFINITIONS.—For purposes of this section,
5 with respect to a person to whom the ballot was mailed:

6 “(1) The term ‘caregiver’ means an individual
7 who provides medical or health care assistance to
8 such person in a residence, nursing care institution,
9 hospice facility, assisted living center, assisted living
10 facility, assisted living home, residential care institu-
11 tion, adult day health care facility, or adult foster
12 care home.

13 “(2) The term ‘family member’ means an indi-
14 vidual who is related to such person by blood, mar-
15 riage, adoption or legal guardianship.

16 “(3) The term ‘household member’ means an
17 individual who resides at the same residence as such
18 person.”.

19 (2) CLERICAL AMENDMENT.—The table of con-
20 tents of such Act is amended by adding at the end
21 the following new item:

 “Sec. 908. Prohibition on Federal funds for election administration for States
 allowing collection and transmission of ballots by certain third
 parties.”.

1 **SEC. 136. CLARIFICATION WITH RESPECT TO FEDERAL**
2 **ELECTION RECORD-KEEPING REQUIREMENT.**

3 Section 301 of the Civil Rights Act of 1960 (52
4 U.S.C. 20701) is amended by inserting “ including enve-
5 lopes used to deliver voted ballots by mail **[New:]** (but
6 excluding envelopes used to deliver blank ballots or absen-
7 tee ballot requests or used for any purpose other than de-
8 livering voted ballots),” after “requisite to voting in such
9 election,”.

10 **SEC. 137. CLARIFICATION OF RULES WITH RESPECT TO**
11 **HIRING OF ELECTION WORKERS.**

12 (a) PREFERENCES FOR VETERANS AND INDIVIDUALS
13 WITH DISABILITIES.—

14 (1) PREFERENCES.—In hiring election workers
15 to administer an election in a State or local jurisdic-
16 tion, the State or local jurisdiction may give pref-
17 erence to individuals who are veterans or individuals
18 with a disability.

19 (2) INDIVIDUAL WITH A DISABILITY DE-
20 FINED.—In this subsection, an “individual with a
21 disability” means an individual with an impairment
22 that substantially limits any major life activities.

23 (b) **[New:]** Preference and Waiver of Residency Re-
24 quirement for Spouses and Dependents of Absent Military
25 Voters.—

1 (1) PREFERENCE AND WAIVERS.—In hiring
2 election workers to administer an election in a State
3 or local jurisdiction, the State or local jurisdiction—

4 (A) may give preference to an individual
5 who is a nonresident military spouse or depend-
6 ent; and

7 (B) may not refuse to hire such an indi-
8 vidual as an election worker solely on the
9 grounds that the individual does not maintain a
10 place of residence in the State or local jurisdic-
11 tion.

12 (2) NONRESIDENT MILITARY SPOUSE OR DE-
13 PENDENT DEFINED.—In this subsection, a “non-
14 resident military spouse or dependent” means an in-
15 dividual who is an absent uniformed services voter
16 under section 107(1)(C) of the Uniformed and Over-
17 seas Citizen Absentee Voting Act (52 U.S.C.
18 20310(1)(C)).

19 **SEC. 138. UNITED STATES POSTAL SERVICE COORDINATION**
20 **WITH STATES TO ENSURE MAILING ADDRESS-**
21 **ES.**

22 (a) IN GENERAL.—Not later than 2 years after the
23 date of the enactment of this Act, the Postmaster General
24 shall, in coordination with the appropriate State executives
25 of each State, carry out a program to identify and assign

1 a mailing address to each home in each State that, as of
2 the date of the enactment of this Act, does not have a
3 mailing address assigned to such home, with a priority
4 given to assigning mailing addresses to such homes located
5 on Indian lands.

6 (b) DEFINITIONS.—In this section:

7 (1) INDIAN.—The term “Indian” has the mean-
8 ing given the term in section 4 of the Indian Self-
9 Determination and Education Assistance Act (25
10 U.S.C. 5304).

11 (2) INDIAN LANDS.—The term “Indian lands”
12 includes—

13 (A) any Indian country of an Indian Tribe,
14 as defined under section 1151 of title 18,
15 United States Code;

16 (B) any land in Alaska owned, pursuant to
17 the Alaska Native Claims Settlement Act (43
18 U.S.C. 1601 et seq.), by an Indian Tribe that
19 is a Native village (as defined in section 3 of
20 that Act (43 U.S.C. 1602)) or by a Village Cor-
21 poration that is associated with an Indian Tribe
22 (as defined in section 3 of that Act (43 U.S.C.
23 1602));

24 (C) any land on which the seat of the Trib-
25 al Government is located; and

1 (D) any land that is part or all of a Tribal
2 designated statistical area associated with an
3 Indian Tribe, or is part or all of an Alaska Na-
4 tive village statistical area associated with an
5 Indian Tribe, as defined by the Census Bureau
6 for the purposes of the most recent decennial
7 census.

8 (3) INDIAN TRIBE.—The term “Indian Tribe”
9 has the meaning given the term “Indian tribe” in
10 section 4 of the Indian Self-Determination and Edu-
11 cation Assistance Act (25 U.S.C. 5304).

12 (4) STATE.—The term “State” has the mean-
13 ing given such term in section 901 of the Help
14 America Vote Act of 2002 (52 U.S.C. 21141).

15 (5) TRIBAL GOVERNMENT.—The term “Tribal
16 Government” means the recognized governing body
17 of an Indian Tribe.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated \$5,000,000 to carry out this
20 section.

21 **SEC. 139. STATE DEFINED.**

22 Section 901 of the Help America Vote Act of 2002
23 (52 U.S.C. 21141) is amended by striking “and the
24 United States Virgin Islands” and inserting “the United

1 States Virgin Islands, and the Commonwealth of the
2 Northern Mariana Islands”.

3 **Subtitle D—District of Columbia**
4 **Election Integrity and Voter**
5 **Confidence**

6 **SEC. 141. SHORT TITLE.**

7 This subtitle may be cited as the “American Con-
8 fidence in Elections: District of Columbia Election Integ-
9 rity and Voter Confidence Act”.

10 **SEC. 142. FINDINGS.**

11 Congress finds the following:

12 (1) *[to be provided]*

13 **SEC. 143. REQUIREMENTS FOR ELECTIONS IN DISTRICT OF**
14 **COLUMBIA.**

15 (a) REQUIREMENTS DESCRIBED.—Title III of the
16 Help America Vote Act of 2002 (52 U.S.C. 21801 et seq.)
17 is amended by adding at the end the following new sub-
18 title:

19 **“Subtitle C—Requirements for**
20 **Elections in District of Columbia**

21 **“SEC. 321. STATEMENT OF CONGRESSIONAL AUTHORITY;**
22 **FINDINGS.**

23 “Congress finds that it has the authority to establish
24 the terms and conditions for the administration of elec-
25 tions for public office in the District of Columbia—

1 “(1) under article I, section 8, clause 17 of the
2 Constitution of the United States, which grants Con-
3 gress the exclusive power to enact legislation with
4 respect to the seat of the government of the United
5 States; and

6 “(2) under other enumerated powers granted to
7 Congress.

8 **“SEC. 322. REQUIREMENTS FOR PHOTO IDENTIFICATION.**

9 “(a) SHORT TITLE.—This section may be cited as the
10 ‘American Confidence in Elections: District of Columbia
11 Voter Identification Act’.

12 “(b) REQUIRING PROVISION OF IDENTIFICATION TO
13 RECEIVE A BALLOT OR VOTE.—

14 “(1) INDIVIDUALS VOTING IN PERSON.—A Dis-
15 trict of Columbia election official may not provide a
16 ballot for a District of Columbia election to an indi-
17 vidual who desires to vote in person unless the indi-
18 vidual presents to the official an identification de-
19 scribed in paragraph (3).

20 “(2) INDIVIDUALS VOTING OTHER THAN IN
21 PERSON.—A District of Columbia election official
22 may not provide a ballot for a District of Columbia
23 election to an individual who desires to vote other
24 than in person unless the individual submits with

1 the application for the ballot a copy of an identifica-
2 tion described in paragraph (3).

3 “(3) IDENTIFICATION DESCRIBED.—An identi-
4 fication described in this paragraph is, with respect
5 to an individual, any of the following:

6 “(A) A current and valid motor vehicle li-
7 cense issued by the District of Columbia or any
8 other current and valid photo identification of
9 the individual which is issued by the District of
10 Columbia or the identification number for such
11 motor vehicle license or photo identification.

12 “(B) A current and valid United States
13 passport, a current and valid military photo
14 identification, or any other current and valid
15 photo identification of the individual which is
16 issued by the Federal government.

17 “(C) Any current and valid photo identi-
18 fication of the individual which is issued by a
19 Tribal Government.

20 “(D) A student photo identification issued
21 by a secondary school (as such term is defined
22 in section 8101 of the Elementary and Sec-
23 ondary Education Act of 1965 (20 U.S.C.
24 7801)) or an institution of higher education (as

1 such term is defined in section 101 of the High-
2 er Education Act of 1965 (20 U.S.C. 1001)).

3 “(E) The last 4 digits of the individual’s
4 social security number.

5 “(4) ENSURING PROOF OF RESIDENCE.—If an
6 individual presents or submits an identification de-
7 scribed in paragraph (3) which does not include the
8 address of the individual’s residence, the District of
9 Columbia election official may not provide a ballot to
10 the individual unless the individual presents or sub-
11 mits a document or other written information from
12 a third party which—

13 “(A) provides the address of the individ-
14 ual’s residence; and

15 “(B) such document or other written infor-
16 mation is of sufficient validity such that the
17 election official is reasonably certain as to the
18 identity of the individual.

19 “(c) PROVISION OF IDENTIFICATION WITHOUT COST
20 TO INDIGENT INDIVIDUALS.—If the District of Columbia
21 charges an individual a fee for an identification described
22 in subsection (b)(3) and the individual provides an attesta-
23 tion that the individual is unable to afford the fee, the
24 District of Columbia shall provide the identification to the
25 individual at no cost.

1 “(d) SPECIAL RULE WITH RESPECT TO SINCERELY
2 HELD RELIGIOUS BELIEFS.—In the case of an individual
3 who is unable to comply with the requirements of sub-
4 section (b) due to sincerely held religious beliefs, the Dis-
5 trict of Columbia shall provide such individual with an al-
6 ternative identification that shall be deemed to meet the
7 requirements of an identification described in subsection
8 (b)(3).

9 “(e) DESIGNATION OF DISTRICT OF COLUMBIA
10 AGENCY TO PROVIDE COPIES OF IDENTIFICATION.—The
11 Mayor of the District of Columbia shall designate an agen-
12 cy of the District of Columbia government to provide an
13 individual with a copy of an identification described in
14 subsection (b)(3) at no cost to the individual for the pur-
15 poses of meeting the requirement under subsection (b)(2).

16 “(f) INCLUSION OF PHOTOS IN POLL BOOKS.—

17 “(1) METHODS FOR OBTAINING PHOTOS.—

18 “(A) PROVISION OF PHOTOS BY OFFICES
19 OF DISTRICT OF COLUMBIA GOVERNMENT.—If
20 any office of the District of Columbia govern-
21 ment has a photograph or digital image of the
22 likeness of an individual who is eligible to vote
23 in a District of Columbia election, the office, in
24 consultation with the chief election official of
25 the District of Columbia, shall provide access to

1 the photograph or digital image to the chief
2 election official of the District of Columbia.

3 “(B) TAKING OF PHOTOS AT POLLING
4 PLACE.—If a photograph or digital image of an
5 individual who votes in person at a polling place
6 is not included in the poll book which contains
7 the name of the individuals who are eligible to
8 vote in the District of Columbia election and
9 which is used by election officials to provide
10 ballots to such eligible individuals, the appro-
11 priate election official shall take a photograph
12 of the individual and provide access to the pho-
13 tograph to the chief election official of the Dis-
14 trict of Columbia.

15 “(C) COPIES OF PHOTOS PROVIDED BY IN-
16 DIVIDUALS NOT VOTING IN PERSON.—The elec-
17 tion official who receives a copy of an identifica-
18 tion described in subsection (b)(3) which is sub-
19 mitted by an individual who desires to vote
20 other than in person at a polling place shall
21 provide access to the copy of the identification
22 to the chief election official of the District of
23 Columbia.

24 “(2) INCLUSION IN POLL BOOKS.—The chief
25 election official of the District of Columbia shall en-

1 sure that a photograph, digital image, or copy of an
2 identification for which access is provided under
3 paragraph (1) is included in the poll book which con-
4 tains the name of the individuals who are eligible to
5 vote in the District of Columbia election and which
6 is used by election officials to provide ballots to such
7 eligible individuals.

8 “(3) PROTECTION OF PRIVACY OF VOTERS.—
9 The appropriate election officials of the District of
10 Columbia shall ensure that any photograph, digital
11 image, or copy of an identification which is included
12 in a poll book under this subsection is not used for
13 any purpose other than the administration of Dis-
14 trict of Columbia elections and is not provided or
15 otherwise made available to any other person except
16 as may be necessary to carry out that purpose.

17 “(g) EXCEPTIONS.—This section does not apply with
18 respect to any individual who is—

19 “(1) entitled to vote by absentee ballot under
20 the Uniformed and Overseas Citizens Absentee Vot-
21 ing Act (52 U.S.C. 20301 et seq.);

22 “(2) provided the right to vote otherwise than
23 in person under section 3(b)(2)(B)(ii) of the Voting
24 Accessibility for the Elderly and Handicapped Act
25 (52 U.S.C. 20102(b)(2)(B)(ii)); or

1 “(3) entitled to vote otherwise than in person
2 under any other Federal law.

3 “(h) DEFINITIONS.—For the purposes of this section,
4 the following definitions apply:

5 “(1) INDIAN TRIBE.—The term ‘Indian Tribe’
6 has the meaning given the term ‘Indian tribe’ in sec-
7 tion 4 of the Indian Self-Determination and Edu-
8 cation Assistance Act (25 U.S.C. 5304).

9 “(2) TRIBAL GOVERNMENT.—The term ‘Tribal
10 Government’ means the recognized governing body
11 of an Indian Tribe.

12 **“SEC. 323. REQUIREMENTS FOR VOTER REGISTRATION.**

13 “(a) SHORT TITLE.—This section may be cited as the
14 ‘American Confidence in Elections: District of Columbia
15 Voter List Maintenance Act’.

16 “(b) ANNUAL LIST MAINTENANCE.—

17 “(1) REQUIREMENTS.—

18 “(A) IN GENERAL.—The District of Co-
19 lumbia shall carry out annually a program to
20 remove ineligible persons from the official list of
21 persons registered to vote in the District of Co-
22 lumbia, as required by section 8 of the National
23 Voter Registration Act of 1993 (52 U.S.C.
24 20507) and pursuant to the procedures de-
25 scribed in subparagraph (B).

1 “(B) REMOVAL FROM VOTER ROLLS.—In
2 the case of a registrant from the official list of
3 eligible voters in District of Columbia elections
4 who has failed to vote in a District of Columbia
5 election during a period of two consecutive
6 years, the District of Columbia shall send to
7 such registrant a notice described in section
8 8(d)(2) of the National Voter Registration Act
9 of 1993 (52 U.S.C. 20507(d)(2)) and shall re-
10 move the registrant from the official list of eli-
11 gible voters in District of Columbia elections
12 if—

13 “(i) the registrant fails to respond to
14 such notice; and

15 “(ii) the registrant has not voted or
16 appeared to vote in a District of Columbia
17 election during the period beginning the
18 date such notice is sent and ending the
19 later of 4 years after the date such notice
20 is sent or after two consecutive District of
21 Columbia general elections have been held.

22 “(2) TIMING.—In the case of a year during
23 which a regularly scheduled District of Columbia
24 election is held, the District of Columbia shall carry

1 out the program described in paragraph (1) not
2 later than 90 days prior to the date of the election.

3 “(c) PROHIBITING SAME-DAY REGISTRATION.—The
4 District of Columbia may not permit an individual to vote
5 in a District of Columbia election unless, not later than
6 30 days prior to the date of the election, the individual
7 is duly registered to vote in the election.

8 **“SEC. 324. BAN ON COLLECTION AND TRANSMISSION OF**
9 **BALLOTS BY CERTAIN THIRD PARTIES.**

10 “(a) SHORT TITLE.—This section may be cited as the
11 ‘American Confidence in Elections: District of Columbia
12 Election Fraud Prevention Act’.

13 “(b) IN GENERAL.—The District of Columbia may
14 not permit an individual to knowingly collect and transmit
15 a ballot in a District of Columbia election that was mailed
16 to another person, other than an individual described as
17 follows:

18 “(1) An election official while engaged in offi-
19 cial duties as authorized by law.

20 “(2) An employee of the United States Postal
21 Service or other commercial common carrier engaged
22 in similar activities while engaged in duties author-
23 ized by law.

1 “(3) Any other individual who is allowed by law
2 to collect and transmit United States mail, while en-
3 gaged in official duties as authorized by law.

4 “(4) A family member, household member, or
5 caregiver of the person to whom the ballot was
6 mailed.

7 “(c) DEFINITIONS.—For purposes of this section,
8 with respect to a person to whom the ballot was mailed:

9 “(1) The term ‘caregiver’ means an individual
10 who provides medical or health care assistance to
11 such person in a residence, nursing care institution,
12 hospice facility, assisted living center, assisted living
13 facility, assisted living home, residential care institu-
14 tion, adult day health care facility, or adult foster
15 care home.

16 “(2) The term ‘family member’ means an indi-
17 vidual who is related to such person by blood, mar-
18 riage, adoption or legal guardianship.

19 “(3) The term ‘household member’ means an
20 individual who resides at the same residence as such
21 person.

1 **“SEC. 325. TIMELY PROCESSING AND REPORTING OF RE-**
2 **SULTS.**

3 “(a) **SHORT TITLE.**—This section may be cited as the
4 ‘American Confidence in Elections: District of Columbia
5 Timely Reporting of Election Results Act’.

6 “(b) **TIME FOR PROCESSING BALLOTS AND REPORT-**
7 **ING RESULTS.**— The District of Columbia shall begin
8 processing ballots received by mail in a District of Colum-
9 bia election as soon as such ballots are received and shall
10 ensure **[New:]** to the greatest extent practicable that the
11 results of such District of Columbia election are reported
12 to the public not later than 10:00 am on the date following
13 the date of the election, but in no case shall such ballots
14 be tabulated or such results be reported earlier than the
15 closing of polls on the date of the election.

16 “(c) **REQUIREMENT TO PUBLISH NUMBER OF VOTED**
17 **BALLOTS ON ELECTION DAY.**—The District of Columbia
18 shall, as soon as practicable after the closing of polls on
19 the date of a District of Columbia election, make available
20 on a publicly accessible website the total number of voted
21 ballots in the possession of election officials in the District
22 of Columbia as of the time of the closing of polls on the
23 date of such election, which shall include, as of such
24 time—

25 “(1) the number of voted ballots delivered by
26 mail;

1 “(2) the number of ballots requested for such
2 election by individuals who are entitled to vote by
3 absentee ballot under the Uniformed and Overseas
4 Citizens Absentee Voting Act (52 U.S.C. 20301 et
5 seq.); and

6 “(3) the number of voted ballots for such elec-
7 tion received from individuals who are entitled to
8 vote by absentee ballot under the Uniformed and
9 Overseas Citizens Absentee Voting Act (52 U.S.C.
10 20301 et seq.), including from individuals who,
11 under such Act, voted by absentee ballot without re-
12 questing such a ballot.

13 “(d) REQUIREMENTS TO ENSURE BIPARTISAN ELEC-
14 TION ADMINISTRATION ACTIVITY.—With respect to a Dis-
15 trict of Columbia election, District of Columbia election
16 officials shall ensure that all activities are carried out in
17 a bipartisan manner, which shall include a requirement
18 that, in the case of an election worker who enters a room
19 which contains ballots, voting equipment, or non-voting
20 equipment as any part of the election worker’s duties to
21 carry out such election, the election worker is accompanied
22 by an individual registered to vote with respect to a dif-
23 ferent political party than such election worker, as deter-
24 mined pursuant to the voting registration records of the
25 District of Columbia.

1 **“SEC. 326. BAN ON NONCITIZEN VOTING.**

2 “(a) SHORT TITLE.—This section may be cited as the
3 ‘American Confidence in Elections: District of Columbia
4 Citizen Voter Act’.

5 “(b) BAN ON NONCITIZEN VOTING.—No individual
6 may vote in a District of Columbia election unless the indi-
7 vidual is a citizen of the United States.

8 **“SEC. 327. REQUIREMENTS WITH RESPECT TO PROVI-**
9 **SIONAL BALLOTS.**

10 “(a) SHORT TITLE.—This section may be cited as the
11 ‘American Confidence in Elections: District of Columbia
12 Provisional Ballot Reform Act’.

13 “(b) IN GENERAL.—Except as provided in subsection
14 (c), the District of Columbia shall permit an individual
15 to cast a provisional ballot pursuant to section 302 if—

16 “(1) the individual declares that such individual
17 is a registered voter in the District of Columbia and
18 is eligible to vote in a District of Columbia election
19 but the name of the individual does not appear on
20 the official list of eligible voters for the polling place
21 or an election official asserts that the individual is
22 not eligible to vote; or

23 “(2) the individual declares that such individual
24 is a registered voter in the District of Columbia and
25 is eligible to vote in a District of Columbia election
26 but does not provide an identification required under

1 section 322, except that the individual’s provisional
2 ballot shall not be counted in the election unless the
3 individual provides such identification to the chief
4 State election official of the District of Columbia not
5 later than 5:00 pm on the second day which begins
6 after the date of the election.

7 “(c) REQUIREMENTS WITH RESPECT TO COUNTING
8 PROVISIONAL BALLOTS IN CERTAIN CASES.—If the name
9 of an individual who is a registered voter in the District
10 of Columbia and eligible to vote in a District of Columbia
11 election appears on the official list of eligible voters for
12 a polling place in the District of Columbia, such individual
13 may cast a provisional ballot pursuant to section 302 for
14 such election at a polling place other than the polling place
15 with respect to which the name of the individual appears
16 on the official list of eligible voters, except that the individ-
17 ual’s provisional ballot shall not be counted in the election
18 unless the individual demonstrates pursuant to the re-
19 quirements under section 302 that the individual is a reg-
20 istered voter in the jurisdiction of the polling place at
21 which the individual cast such ballot.

22 **“SEC. 328. MANDATORY POST-ELECTION AUDITS.**

23 “(a) SHORT TITLE.—This section may be cited as the
24 ‘American Confidence in Elections: District of Columbia
25 Mandatory Post-Election Audits Act’.

1 “(b) REQUIREMENT FOR POST-ELECTION AUDITS.—
2 Not later than 30 days after each District of Columbia
3 election, the District of Columbia shall conduct and pub-
4 lish an audit of the effectiveness and accuracy of the vot-
5 ing systems used to carry out the election and the per-
6 formance of the election officials who carried out the elec-
7 tion, but in no case shall such audit be completed later
8 than 2 business days before the deadline to file an election
9 contest under the laws of the District of Columbia.

10 **“SEC. 329. PUBLIC OBSERVATION OF ELECTION PROCE-**
11 **DURES.**

12 “(a) SHORT TITLE.—This section may be cited as the
13 ‘American Confidence in Elections: District of Columbia
14 Public Observation of Election Procedures Act’.

15 “(b) DESIGNATED REPRESENTATIVES OF CAN-
16 DIDATES, POLITICAL PARTIES, AND COMMITTEES AFFILI-
17 ATED WITH BALLOT INITIATIVES.—

18 “(1) AUTHORITY TO OBSERVE PROCEDURES.—
19 An individual who is not a District of Columbia elec-
20 tion official may observe election procedures carried
21 out in a District of Columbia election, as described
22 in paragraph (2), if the individual is designated to
23 observe such procedures by a candidate in the elec-
24 tion, a political party, or a committee affiliated with
25 a ballot initiative or referendum in the election.

1 “(2) AUTHORITY AND PROCEDURES DE-
2 SCRIBED.—The authority of an individual to observe
3 election procedures pursuant to this subsection is as
4 follows:

5 “(A) The individual may serve as a poll
6 watcher to observe the casting and tabulation of
7 ballots at a polling place on the date of the elec-
8 tion or on any day prior to the date of the elec-
9 tion on which ballots are cast at early voting
10 sites, and may challenge the casting or tabula-
11 tion of any such ballot.

12 “(B) The individual may serve as a poll
13 watcher to observe the canvassing and proc-
14 essing of absentee or other mail-in ballots, in-
15 cluding the procedures for verification of signed
16 certificates of transmission under section
17 330(c)(2).

18 “(C) The individual may observe the re-
19 count of the results of the election at any loca-
20 tion at which the recount is held, and may chal-
21 lenge the tabulation of any ballot tabulated pur-
22 suant to the recount.

23 “(3) PROVISION OF CREDENTIALS.—The chief
24 State election official of the District of Columbia
25 shall provide each individual who is authorized to ob-

1 serve election procedures under paragraph (1) with
2 appropriate credentials to enable the individual to
3 observe such procedures.

4 “(4) EXCEPTION FOR CANDIDATES AND LAW
5 ENFORCEMENT OFFICERS.—An individual may not
6 serve as a poll watcher under subparagraph (A) or
7 (B) of paragraph (2), and the chief State election of-
8 ficial of the District of Columbia may not provide
9 the individual with credentials to enable the indi-
10 vidual to serve as a poll watcher under such sub-
11 paragraph, if the individual is a candidate in the
12 election or a law enforcement officer.

13 “(c) OTHER INDIVIDUALS.—

14 “(1) PETITION FOR OBSERVER CREDEN-
15 TIALS.—In addition to the individuals described in
16 subsection (b), any individual, including an indi-
17 vidual representing or affiliated with a domestic or
18 international organization, may petition the chief
19 State election official of the District of Columbia to
20 provide the individual with credentials to observe
21 election procedures carried out in a District of Co-
22 lumbia election, as described in subsection (b).

23 “(2) AUTHORITY DESCRIBED.—If the chief
24 State election official provides an individual with
25 credentials under paragraph (1), the individual shall

1 have the same authority to observe election proce-
2 dures carried out in the election as an individual de-
3 scribed in subsection (b), except that the individual
4 may not challenge the casting, tabulation, can-
5 vassing, or processing of any ballot in the election.

6 “(3) EXCEPTION FOR CANDIDATES AND LAW
7 ENFORCEMENT OFFICERS.—The chief State election
8 official of the District of Columbia may not provide
9 an individual who is a candidate in the election or
10 a law enforcement officer with credentials to serve as
11 a poll watcher, as described in subparagraph (A) or
12 (B) of subsection (b)(2).

13 “(d) AUTHORITY OF MEMBERS OF PUBLIC TO OB-
14 SERVE TESTING OF EQUIPMENT.—In addition to the au-
15 thority of individuals to observe procedures under sub-
16 sections (b) and (c), any member of the public may ob-
17 serve the testing of election equipment by election officials
18 prior to the date of the election.

19 “(e) PROHIBITING LIMITS ON ABILITY TO VIEW PRO-
20 CEDURES.—An election official may not obstruct the abil-
21 ity of an individual who is authorized to observe an elec-
22 tion procedure under this section to view the procedure
23 as it is being carried out.

24 “(f) PROHIBITION AGAINST CERTAIN RESTRIC-
25 TIONS.—An election official may not require that an indi-

1 vidual who observes election procedures under this section
2 stays more than 3 feet away from the procedure as it is
3 being carried out.

4 **“SEC. 330. REQUIREMENTS FOR VOTING BY MAIL-IN BAL-**
5 **LOT.**

6 “(a) SHORT TITLE.—This section may be cited as the
7 ‘American Confidence in Elections: District of Columbia
8 Mail Balloting Reform Act’.

9 “(b) PROHIBITING TRANSMISSION OF UNSOLICITED
10 BALLOTS.—The District of Columbia may not transmit
11 an absentee or other mail-in ballot for a District of Colum-
12 bia election to any individual who does not request the
13 District of Columbia to transmit the ballot.

14 “(c) SIGNATURE VERIFICATION.—

15 “(1) INCLUSION OF CERTIFICATE WITH BAL-
16 LOT.—The District of Columbia shall include with
17 each absentee or other mail-in ballot transmitted for
18 a District of Columbia election a certificate of trans-
19 mission which may be signed by the individual for
20 whom the ballot is transmitted.

21 “(2) REQUIRING VERIFICATION FOR BALLOT TO
22 BE COUNTED.—Except as provided in subsection (d),
23 the District of Columbia may not accept an absentee
24 or other mail-in ballot for a District of Columbia
25 election unless—

1 “(A) the individual for whom the ballot
2 was transmitted—

3 “(i) signs and dates the certificate of
4 transmission included with the ballot under
5 paragraph (1); and

6 “(ii) includes the signed certification
7 with the ballot and the date on such cer-
8 tification is accurate and in no case later
9 than the date of the election; and

10 “(B) the individual’s signature on the bal-
11 lot matches the signature of the individual on
12 the official list of registered voters in the Dis-
13 trict of Columbia or other official record or doc-
14 ument used by the District of Columbia to
15 verify the signatures of voters.

16 “(d) NOTICE AND OPPORTUNITY TO CURE.—

17 “(1) NOTICE AND OPPORTUNITY TO CURE DIS-
18 CREPANCY IN SIGNATURES.—If an individual sub-
19 mits an absentee or other mail-in ballot for a Dis-
20 trict of Columbia election and the appropriate Dis-
21 trict of Columbia election official determines that a
22 discrepancy exists between the signature on such
23 ballot and the signature of such individual on the of-
24 ficial list of registered voters in the District of Co-
25 lumbia or other official record or document used by

1 the District of Columbia to verify the signatures of
2 voters, such election official, prior to making a final
3 determination as to the validity of such ballot,
4 shall—

5 “(A) make a good faith effort to imme-
6 diately notify the individual by mail, telephone,
7 or (if available) text message and electronic
8 mail that—

9 “(i) a discrepancy exists between the
10 signature on such ballot and the signature
11 of the individual on the official list of reg-
12 istered voters in the District of Columbia
13 or other official record or document used
14 by the District of Columbia to verify the
15 signatures of voters; and

16 “(ii) if such discrepancy is not cured
17 prior to the expiration of the 48-hour pe-
18 riod which begins on the date the official
19 notifies the individual of the discrepancy,
20 such ballot will not be counted; and

21 “(B) cure such discrepancy and count the
22 ballot if, prior to the expiration of the 48-hour
23 period described in subparagraph (A)(ii), the
24 individual provides the official with information

1 to cure such discrepancy, either in person, by
2 telephone, or by electronic methods.

3 “(2) NOTICE AND OPPORTUNITY TO CURE MISS-
4 ING SIGNATURE OR OTHER DEFECT.—If an indi-
5 vidual submits an absentee or other mail-in ballot
6 for a District of Columbia election without a signa-
7 ture on the ballot or the certificate of transmission
8 included with the ballot under subsection (c)(1) or
9 submits an absentee ballot with another defect
10 which, if left uncured, would cause the ballot to not
11 be counted, the appropriate District of Columbia
12 election official, prior to making a final determina-
13 tion as to the validity of the ballot, shall—

14 “(A) make a good faith effort to imme-
15 diately notify the individual by mail, telephone,
16 or (if available) text message and electronic
17 mail that—

18 “(i) the ballot or certificate of trans-
19 mission did not include a signature or has
20 some other defect; and

21 “(ii) if the individual does not provide
22 the missing signature or cure the other de-
23 fect prior to the expiration of the 48-hour
24 period which begins on the date the official
25 notifies the individual that the ballot or

1 certificate of transmission did not include
2 a signature or has some other defect, such
3 ballot will not be counted; and

4 “(B) count the ballot if, prior to the expi-
5 ration of the 48-hour period described in sub-
6 paragraph (A)(ii), the individual provides the
7 official with the missing signature on a form
8 proscribed by the District of Columbia or cures
9 the other defect.

10 This paragraph does not apply with respect to a de-
11 fect consisting of the failure of a ballot to meet the
12 applicable deadline for the acceptance of the ballot,
13 as described in subsection (e).

14 “(e) DEADLINE FOR ACCEPTANCE.—

15 “(1) DEADLINE.—Except as provided in para-
16 graph (2), the District of Columbia may not accept
17 an absentee or other mail-in ballot for a District of
18 Columbia election which is received by the appro-
19 priate election official following the close of polls on
20 Election Day.

21 “(2) EXCEPTION FOR ABSENT MILITARY AND
22 OVERSEAS VOTERS.—Paragraph (1) does not apply
23 to a ballot cast by an individual who is entitled to
24 vote by absentee ballot under the Uniformed and

1 Overseas Citizens Absentee Voting Act (52 U.S.C.
2 20301 et seq.).

3 “(3) RULE OF CONSTRUCTION.—Nothing in
4 this subsection may be construed as prohibiting the
5 District of Columbia from accepting an absentee or
6 other mail-in ballot for a District of Columbia elec-
7 tion that is delivered in person by the voter to an
8 election official at an appropriate polling place or
9 the District of Columbia Board of Elections if such
10 ballot is received by the election official by the dead-
11 line described in paragraph (1).

12 **“SEC. 331. REQUIREMENTS WITH RESPECT TO USE OF**
13 **DROP BOXES.**

14 “(a) SHORT TITLE.—This section may be cited as the
15 ‘American Confidence in Elections: District of Columbia
16 Ballot Security Act’.

17 “(b) REQUIREMENTS.—With respect to a District of
18 Columbia election, the District of Columbia may not use
19 a drop box to accept a voted absentee or other mail-in
20 ballot for any such election unless—

21 “(1) any such drop box is located inside a Dis-
22 trict of Columbia government building or facility;

23 “(2) the District of Columbia provides for the
24 security of any such drop box through 24-hour re-
25 mote or electronic surveillance; and

1 “(3) the District of Columbia Board of Elec-
2 tions collects any ballot deposited in any such drop
3 box each day after 5:00 p.m. (local time) during the
4 period of the election.

5 **“SEC. 332. SPECIAL RULE WITH RESPECT TO APPLICATION**
6 **OF REQUIREMENTS TO FEDERAL ELECTIONS.**

7 “With respect to an election for Federal office in the
8 District of Columbia, to the extent that there is any incon-
9 sistency with the requirements of this subtitle and the re-
10 quirements of subtitle A, the requirements of this subtitle
11 shall apply.

12 **“SEC. 333. DISTRICT OF COLUMBIA ELECTION DEFINED.**

13 “In this subtitle, the term ‘District of Columbia elec-
14 tion’ means any election for public office in the District
15 of Columbia, including an election for Federal office, and
16 any ballot initiative or referendum.”.

17 (b) CONFORMING AMENDMENT RELATING TO EN-
18 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
19 is amended by striking the period at the end and inserting
20 the following: “, and the requirements of subtitle C with
21 respect to the District of Columbia.”.

22 (c) CLERICAL AMENDMENT.—The table of contents
23 of such Act is amended by adding at the end of the items
24 relating to title III the following:

“Subtitle C—Requirements for Elections in District of Columbia

- “Sec. 321. Statement of Congressional authority; findings.
- “Sec. 322. Requirements for photo identification.
- “Sec. 323. Requirements for voter registration.
- “Sec. 324. Ban on collection and transmission of ballots by certain third parties.
- “Sec. 325. Timely processing and reporting of results.
- “Sec. 326. Ban on noncitizen voting.
- “Sec. 327. Requirements with respect to provisional ballots.
- “Sec. 328. Mandatory post-election audits.
- “Sec. 329. Public observation of election procedures.
- “Sec. 330. Requirements for voting by mail-in ballot.
- “Sec. 331. Requirements with respect to use of drop boxes.
- “Sec. 332. Special rule with respect to application of requirements to Federal elections.
- “Sec. 333. District of Columbia election defined.

1 **SEC. 144. EFFECTIVE DATE.**

2 The amendments made by this subtitle shall apply
3 with respect to District of Columbia elections held on or
4 after January 1, 2024. For purposes of this section, the
5 term “District of Columbia election” has the meaning
6 given such term in section 333 of the Help America Vote
7 Act of 2002, as added by section 143(a).

8 **Subtitle E—Administration of the**
9 **Election Assistance Commission**

10 **SEC. 151. SHORT TITLE.**

11 This subtitle may be cited as the “Positioning the
12 Election Assistance Commission for the Future Act of
13 2022”.

14 **SEC. 152. FINDINGS RELATING TO THE ADMINISTRATION**
15 **OF THE ELECTION ASSISTANCE COMMISSION.**

16 Congress finds the following:

17 (1) The Election Assistance Commission best
18 serves the American people when operating within

1 its core statutory functions, including serving as a
2 clearinghouse for information on election administra-
3 tion, providing grants, and testing and certifying
4 election equipment.

5 (2) The American people are best served when
6 Federal agency election assistance is offered by a
7 single agency with expertise in this space. The Elec-
8 tion Assistance Commission, composed of four elec-
9 tion experts from different political parties, is best
10 situated among the Federal government agencies to
11 offer assistance services to citizens and to guide
12 other Federal agencies that have responsibilities in
13 the elections space. The Commission is also best
14 suited to determine the timing of the issuance of any
15 advisories and to disburse all appropriated election
16 grant funding.

17 (3) To this end, Congress finds that the Elec-
18 tion Assistance Commission should be viewed as the
19 lead Federal government agency on all election ad-
20 ministration matters, and other Federal agencies op-
21 erating in this space should look to the Commission
22 for guidance, direction, and support on election ad-
23 ministration-related issues.

1 **SEC. 153. REQUIREMENTS WITH RESPECT TO STAFF AND**
2 **FUNDING OF THE ELECTION ASSISTANCE**
3 **COMMISSION.**

4 (a) STAFF.—Section 204(a)(5) of the Help America
5 Vote Act of 2002 (52 U.S.C. 20924(a)(5)) is amended by
6 striking “of such additional personnel” and inserting “of
7 not more than 55 full-time equivalent employees to carry
8 out the duties and responsibilities under this Act and the
9 additional duties and responsibilities required under the
10 American Confidence in Elections Act”.

11 (b) FUNDING.—Section 210 of the Help America
12 Vote Act of 2002 (52 U.S.C. 20930) is amended—

13 (1) by striking “for each of the fiscal years
14 2003 through 2005” and inserting “for each of the
15 fiscal years 2023 through 2025”; and

16 (2) by striking “(but not to exceed \$10,000,000
17 for each such year)” and inserting “(but not to ex-
18 ceed \$25,000,000 for each such year)”.

19 (c) PROHIBITION ON CERTAIN USE OF FUNDS.—

20 (1) PROHIBITION.—None of the funds author-
21 ized to be appropriated or otherwise made available
22 under subsection (b) may be obligated or expended
23 for the operation of an advisory committee estab-
24 lished by the Election Assistance Commission pursu-
25 ant to and in accordance with the provisions of the
26 Federal Advisory Committee Act (5 U.S.C. App. 2),

1 except with respect to the operation of the Local
2 Leadership Council.

3 (2) NO EFFECT ON ENTITIES ESTABLISHED BY
4 HELP AMERICA VOTE ACT OF 2002.—Paragraph (1)
5 does not apply with respect to the operation of any
6 entity established by the Help America Vote Act of
7 2002, including the Election Assistance Commission
8 Standards Board, the Election Assistance Commis-
9 sion Board of Advisors, and the Technical Guide-
10 lines Development Committee.

11 (d) REQUIREMENTS WITH RESPECT TO COMPENSA-
12 TION OF MEMBERS OF THE COMMISSION.—Section
13 203(d) of the Help America Vote Act of 2002 (52 U.S.C.
14 20923(d)) is amended—

15 (1) in paragraph (1), by striking “at the annual
16 rate of basic pay prescribed for level IV of the Exec-
17 utive Schedule under section 5315 of title 5, United
18 States Code” and inserting “at an annual rate of
19 basic pay equal to the amount of \$186,300, as ad-
20 justed under section 5318 of title 5, United States
21 Code, in the same manner as the annual rate of pay
22 for positions at each level of the Executive Sched-
23 ule”;

1 (2) in paragraph (2), by striking “No member
2 appointed” and inserting “Except as provided in
3 paragraph (3), no member appointed”; and

4 (3) by adding at the end the following new
5 paragraph:

6 “(3) SUPPLEMENTAL EMPLOYMENT AND COM-
7 PENSATION.—An individual serving a term of service
8 on the Commission shall be permitted to hold a posi-
9 tion at an institution of higher education (as such
10 term is defined in section 101 of the Higher Edu-
11 cation Act of 1965 (20 U.S.C. 1001) if—

12 “(A) the **[New:]** General Counsel of the
13 Election Assistance Commission determines
14 that such position does not create a conflict of
15 interest with the individual’s position as a sit-
16 ting member of the Commission and grants the
17 individual approval to hold the position; and

18 “(B) the annual rate of compensation re-
19 ceived by the individual from such institution is
20 not greater than the amount equal to 49.9% of
21 the annual rate of basic pay paid to the indi-
22 vidual under paragraph (1).”.

23 (e) OFFICE OF INSPECTOR GENERAL.—Section 204
24 of the Help America Vote Act of 2002 (52 U.S.C. 20924)

1 is amended by adding at the end the following new sub-
2 section:

3 “(f) OFFICE OF INSPECTOR GENERAL.—The Inspec-
4 tor General of the Election Assistance Commission may
5 appoint not more than 7 full-time equivalent employees
6 to assist the Inspector General to carry out the duties and
7 responsibilities under *[Revised to reflect enactment of IG*
8 *Act as part of title 5, United States Code:]* section 404
9 of title 5, United States Code, of whom 2 shall have pri-
10 marily administrative duties and responsibilities.”.

11 (f) EFFECTIVE DATE.—This section and the amend-
12 ments made by this section shall take effect on October
13 1, 2022.

14 **SEC. 154. GENERAL REQUIREMENTS FOR PAYMENTS MADE**
15 **BY ELECTION ASSISTANCE COMMISSION.**

16 (a) EXCLUSIVE AUTHORITY OF ELECTION ASSIST-
17 ANCE COMMISSION TO MAKE ELECTION ADMINISTRATION
18 PAYMENTS TO STATES.—No entity of the Federal Govern-
19 ment other than the Election Assistance Commission may
20 make any payment to a State for purposes of admin-
21 istering elections for Federal office, including obtaining
22 election and voting equipment and infrastructure, enhance-
23 ing election and voting technology, and making election
24 and voting security improvements, including with respect
25 to cybersecurity and infrastructure.

1 (b) **[New:]** Prohibiting Use of Payments for Get-out-
2 the-vote-activity.—Subtitle D of title II of the Help Amer-
3 ica Vote Act of 2002 (52 U.S.C. 21001 et seq.) is amend-
4 ed by adding at the end the following new part:

5 **“PART 7—GENERAL REQUIREMENTS FOR**
6 **PAYMENTS**

7 **“SEC. 297. PROHIBITING USE OF PAYMENTS FOR GET-OUT-**
8 **THE-VOTE-ACTIVITY.**

9 “(a) PROHIBITION.—No payment made to a State or
10 unit of local government by the Commission **[Review: Do**
11 *you want or need to include this to clarify the application*
12 *of this restriction to funds that don’t consist of requirements*
13 *payments under HAVA? under this Act or any other Act]
14 may be used for get-out-the-vote activity.*

15 “(b) DEFINITION.—In this section, the term ‘get-out-
16 the-vote activity’ means, with respect to a payment made
17 to a State or unit of local government, any activity which,
18 at the time the payment is made, is treated as get-out-
19 the-vote-activity under the Federal Election Campaign Act
20 of 1971 and the regulations promulgated by the Federal
21 Election Commission to carry out such Act. **[Q: Do you**
22 *want or need to carve out an exception for activity described*
23 *in 11 CFR 100.24(a)(3)(i)(B)(1) (informing voters about*
24 *times when polling places are open) or (B)(2) (informing*
25 *voters about the location of particular polling places)?]”.*

1 (c) **[New:]** Requiring Disclaimer in Communica-
2 tions.—Part 7 of subtitle D of title II of such Act, as
3 added by subsection (b), is amended by adding at the end
4 the following new section:

5 **“SEC. 297A. REQUIRING COMMUNICATIONS FUNDED BY**
6 **PAYMENTS TO INCLUDE DISCLAIMER.**

7 “(a) REQUIREMENT.—**[Note: This is drafted on the**
8 *assumption that the requirement applies only to commu-*
9 *nications developed or disseminated by a recipient of EAC*
10 *funds and not to the EAC’s own public communications.*
11 *Is that a correct assumption?] If a State or unit of local
12 government disseminates a public communication which
13 was developed or disseminated in whole or in part with
14 a payment made to the State or local government by the
15 Commission **[See note above:** under this Act or any other
16 Act**]**, the State or unit of local government shall ensure
17 that the communication includes, in a clear and con-
18 spicuous manner, the following statement: ‘Paid for using
19 Federal taxpayer funds pursuant to the Help America
20 Vote Act’.*

21 “(b) CLEAR AND CONSPICUOUS MANNER DE-
22 SCRIBED.—**[Based on H.R. 3044, 118th:]** A statement re-
23 quired under subsection (a) shall be considered to be in
24 a clear and conspicuous manner if the statement meets
25 the following requirements:

1 “(1) TEXT OR GRAPHIC COMMUNICATIONS.—In
2 the case of a text or graphic communication, the
3 statement—

4 “(A) appears in letters at least as large as
5 the majority of the text in the communication

6 “(B) is contained in a printed box set
7 apart from the other contents of the commu-
8 nication; and

9 “(C) is printed with a reasonable degree of
10 color contrast between the background and the
11 printed statement.

12 “(2) AUDIO COMMUNICATIONS.—In the case of
13 an audio communication, the statement is spoken in
14 a clearly audible and intelligible manner at the be-
15 ginning or end of the communication and lasts at
16 least 3 seconds.

17 “(3) VIDEO COMMUNICATIONS.—In the case of
18 a video communication which also includes audio,
19 the statement—

20 “(A) is included at either the beginning or
21 the end of the communication; and

22 “(B) is made both in—

23 “(i) a written format that meets the
24 requirements of subparagraph (A) and ap-
25 pears for at least 4 seconds; and

1 “(ii) an audible format that meets the
2 requirements of subparagraph (B).

3 “(4) OTHER COMMUNICATIONS.—In the case of
4 any other type of communication, the statement is
5 at least as clear and conspicuous as the statement
6 specified in paragraph (1), (2), or (3).

7 “(c) PUBLIC COMMUNICATION.—**[Based on section**
8 *301(20) of the FECA:]* In this section, the term ‘public
9 communication’ means a communication **[Review: relating**
10 **to the administration of an election for Federal office]** by
11 means of any broadcast, cable, or satellite communication,
12 newspaper, magazine, outdoor advertising facility, mass
13 mailing, or telephone bank to the general public, or any
14 other form of general public advertising.”.

15 (d) CLERICAL AMENDMENT.—The table of contents
16 of such Act is amended by inserting at the end of the items
17 relating to subtitle D of title II the following:

“PART 7—GENERAL REQUIREMENTS FOR PAYMENTS

“Sec. 297. Prohibiting use of payments for get-out-the-vote-activity.

“Sec. 297A. Requiring communications funded by payments to include disclaimer.”.

18 (e) EFFECTIVE DATE.—This section and the amend-
19 ments made by this section shall apply with respect to pay-
20 ments made on or after the date of the enactment of this
21 Act.

1 **SEC. 155. EXECUTIVE BOARD OF THE STANDARDS BOARD**

2 **AUTHORITY TO ENTER INTO CONTRACTS.**

3 Section 213(c) of the Help America Vote Act of 2002
4 (52 U.S.C. 20943(c)) is amended by adding at the end
5 the following new paragraph:

6 “(5) AUTHORITY TO ENTER INTO CON-
7 TRACTS.—The Executive Board of the Standards
8 Board may, using amounts already made available
9 to the Commission, enter into contracts to employ
10 and retain no more than 2 individuals to enable the
11 Standards Board to discharge its duties with respect
12 to the examination and release of voluntary consider-
13 ations with respect to the administration of elections
14 for Federal offices by the States under section 247,
15 except that—

16 “(A) no more than 1 individual from the
17 same political party may be employed under
18 such contracts at the same time;

19 “(B) the authority to enter into such con-
20 tracts shall end on the earlier of the date of the
21 release of the considerations or December 31,
22 2023; and

23 “(C) no additional funds may be appro-
24 priated to the Commission for the purposes of
25 carrying out this paragraph.”.

1 **SEC. 156. ELECTION ASSISTANCE COMMISSION PRIMARY**
2 **ROLE IN ELECTION ADMINISTRATION.**

3 Except as provided in any other provision of law, the
4 Election Assistance Commission shall, with respect to any
5 other entity of the Federal Government, have primary ju-
6 risdiction to address issues with respect to the administra-
7 tion of elections for Federal office.

8 **Subtitle F—Prohibition on Involve-**
9 **ment in Elections by Foreign**
10 **Nationals**

11 **SEC. 161. PROHIBITION ON CONTRIBUTIONS AND DONA-**
12 **TIONS BY FOREIGN NATIONALS IN CONNEC-**
13 **TION WITH BALLOT INITIATIVES AND**
14 **REFERENDA.**

15 (a) **SHORT TITLE.**—This section may be cited as the
16 “Keeping Foreign Money out of Ballot Measures Act of
17 2022”.

18 (b) **IN GENERAL.**—Chapter 29 of title 18, United
19 States Code, is amended by adding at the end the fol-
20 lowing new section:

21 **“§ 612. Foreign nationals making certain political**
22 **contributions**

23 **“(a) PROHIBITION.**—It shall be unlawful for a for-
24 eign national, directly or indirectly, to make a contribution
25 as such term is defined in section 301(8)(A) of the Federal
26 Election Campaign Act of 1971 (52 U.S.C. 30101(8)(A))

1 or donation of money or other thing of value, or to make
2 an express or implied promise to make a contribution or
3 donation, in connection with a State or local ballot initia-
4 tive or referendum.

5 “(b) PENALTY.—Any person who violates subsection
6 (a) shall be fined not more than the greater of \$10,000
7 or 300 percent of the amount of the contribution or value
8 of the donation of money or other thing of value made
9 by the person, imprisoned for not more than 1 year, or
10 both.

11 “(c) FOREIGN NATIONAL DEFINED.—In this section,
12 the term ‘foreign national’ has the meaning given such
13 term in section 319(b) of the Federal Election Campaign
14 Act of 1971 (52 U.S.C. 30121(b)).”.

15 (c) CLERICAL AMENDMENT.—The table of sections
16 for chapter 29 of title 18, United States Code, is amended
17 by adding at the end the following new item:

“612. Foreign nationals making certain political contributions.”.

18 (d) EFFECTIVE DATE.—The amendment made by
19 this section shall apply with respect to contributions and
20 donations made on or after the date of the enactment of
21 this Act.

1 **Subtitle G—Constitutional Experts**
2 **Panel With Respect to Presi-**
3 **dential Elections**

4 **SEC. 171. SHORT TITLE.**

5 This subtitle may be cited as the “Solving an Over-
6 looked Loophole in Votes for Executives (SOLVE) Act”.

7 **SEC. 172. ESTABLISHMENT OF PANEL OF CONSTITUTIONAL**
8 **EXPERTS.**

9 (a) **ESTABLISHMENT.**—There is established the
10 “Twentieth Amendment Section Four Panel” (in this sec-
11 tion referred to as the “Panel”).

12 (b) **MEMBERSHIP.**—

13 (1) **IN GENERAL.**—The Panel shall be composed
14 of 6 constitutional experts, of whom—

15 (A) 1 shall be appointed by the majority
16 leader of the Senate;

17 (B) 1 shall be appointed by the minority
18 leader of the Senate;

19 (C) 1 shall be appointed jointly by the ma-
20 jority and minority leader of the Senate;

21 (D) 1 shall be appointed by the Speaker of
22 the House of Representatives;

23 (E) 1 shall be appointed by minority leader
24 of the House of Representatives; and

1 (F) 1 shall be appointed jointly by the
2 Speaker of the House of Representatives and
3 the minority leader of the House of Representa-
4 tives.

5 (2) DATE.—The appointments of the members
6 of the Panel shall be made not later than 180 days
7 after the date of enactment of this Act.

8 (3) VACANCY.—Any vacancy occurring in the
9 membership of the Panel shall be filled in the same
10 manner in which the original appointment was
11 made.

12 (4) CHAIRPERSON AND VICE CHAIRPERSON.—
13 The Panel shall select a Chairperson and Vice
14 Chairperson from among the members of the Panel.

15 (c) PURPOSE.—The purpose of the Panel shall be to
16 recommend to Congress model legislation, which shall pro-
17 vide for an appropriate process, pursuant to section 4 of
18 the Twentieth Amendment to the United States Constitu-
19 tion, to resolve any vacancy created by the death of a can-
20 didate in a contingent presidential or vice-presidential
21 election.

22 (d) REPORTS.—

23 (1) INITIAL REPORT.—Not later than 1 year
24 after the date on which all of the appointments have
25 been made under subsection (b)(2), the Panel shall

1 submit to Congress an interim report containing the
2 Panel's findings, conclusions, and recommendations.

3 (2) FINAL REPORT.—Not later than 6 months
4 after the submission of the interim report under
5 paragraph (1), the Panel shall submit to Congress a
6 final report containing the Panel's findings, conclu-
7 sions, and recommendations.

8 (e) MEETINGS; INFORMATION.—

9 (1) IN GENERAL.—Meetings of the Panel shall
10 be held at the Law Library of Congress.

11 (2) INFORMATION.—The Panel may secure
12 from the Law Library of Congress such information
13 as the Panel considers necessary to carry out the
14 provisions of this section.

15 (f) FUNDS.—

16 (1) COMPENSATION OF MEMBERS.—Members of
17 the Panel shall receive no compensation.

18 (2) OTHER FUNDING.—No amounts shall be
19 appropriated for the purposes of this section, except
20 for any amounts strictly necessary for the Law Li-
21 brary of Congress to execute its responsibilities
22 under subsection (e).

23 (g) TERMINATION.—

24 (1) IN GENERAL.—The panel established under
25 subsection (a) shall terminate 90 days after the date

1 on which the panel submits the final report required
2 under subsection (d)(2).

3 (2) RECORDS.—Upon termination of the panel,
4 all of its records shall become the records of the Sec-
5 retary of the Senate and the Clerk of the House of
6 Representatives.

7 **TITLE II—MILITARY VOTING**
8 **ADMINISTRATION**

9 **SEC. 200. SHORT TITLE.**

10 This title may be cited as the “American Confidence
11 in Elections: Protecting American Servicemembers’ and
12 Dependents’ Right to Vote Act”.

13 **Subtitle A—Findings Relating to**
14 **Military Voting**

15 **SEC. 201. FINDINGS RELATING TO MILITARY VOTING.**

16 Congress finds the following:

17 (1) Participation in the voting process by Amer-
18 icans who serve in the Armed Forces is vital to the
19 future of the Republic; however, due to the realities
20 of service around the globe and despite many best
21 efforts, the nation has not always lived up to its
22 commitment to servicemembers that their vote be
23 counted.

24 (2) The Military and Overseas Empowerment
25 (MOVE) Act made great progress in solving prob-

1 lems with voting that many servicemembers faced.
2 Yet, for many, it is still difficult to exercise the fran-
3 chise, with many ballots not reaching State elections
4 officials until after the deadline, negating their voice.
5 After 13 years, Congress must address the remain-
6 ing issues.

7 (3) Congress finds that it is a moral imperative
8 of national importance that every eligible American
9 servicemember has the opportunity to cast a ballot
10 in each election and, not only that such ballot be re-
11 ceived in time to be counted, but that it actually be
12 counted according to law.

13 **Subtitle B—GAO Analysis on** 14 **Military Voting Access**

15 **SEC. 211. GAO ANALYSIS AND REPORT ON EFFECTIVENESS** 16 **OF FEDERAL GOVERNMENT IN MEETING OB-** 17 **LIGATIONS TO PROMOTE VOTING ACCESS** 18 **FOR ABSENT UNIFORMED SERVICES VOTERS.**

19 (a) ANALYSIS.—The Comptroller General of the
20 United States shall conduct an analysis of the effective-
21 ness of the Federal government in carrying out its respon-
22 sibilities under the Uniformed and Overseas Citizens Ab-
23 sentee Voting Act (52 U.S.C. 20301 et seq.) to promote
24 access to voting for absent uniformed services voters.

1 (b) ISSUED ANALYZED.—In conducting the analysis
2 under this section, the Comptroller General shall cover the
3 following issues:

4 (1) The transmission of ballots to absent uni-
5 formed services voters.

6 (2) The methods of transmission of voted bal-
7 lots from absent uniformed services voters, including
8 the efficacy and security of such methods.

9 (3) The treatment by election officials of voted
10 ballots transmitted by absent uniformed services vot-
11 ers, including the rate at which such ballots are
12 counted in elections and the rate at which such bal-
13 lots are rejected in elections and the reasons there-
14 fore.

15 (4) The effectiveness of the assistance provided
16 to absent uniformed services voters by Voting Assist-
17 ance Officers of the Federal Voting Assistance Pro-
18 gram of the Department of Defense.

19 (5) The extent of the coordination between Vot-
20 ing Assistance Officers and State and local election
21 officials.

22 (6) Such other issues relating to the ability of
23 absent uniformed services voters to register to vote,
24 vote, and have their ballots counted in elections for
25 Federal office.

1 (c) METHOD OF ANALYSIS.—The Comptroller Gen-
2 eral shall base the analysis conducted under subsection (a)
3 on existing information available government and other
4 public sources, as well as information the Comptroller
5 General shall acquire through the Comptroller General’s
6 own investigations, interviews, and analysis.

7 (d) REPORT.—Not later than December 31, 2023,
8 the Comptroller General shall submit to the chair and
9 ranking minority member of the Committee on House Ad-
10 ministration of the House of Representatives and the chair
11 and ranking minority member of the Committee on Rules
12 and Administration of the Senate a report that contains
13 the results of the analysis conducted under subsection (a).

14 (e) DEFINITION.—In this section, the term “absent
15 uniformed services voter” has the meaning given such
16 term in section 107(1) of the Uniformed and Overseas
17 Citizens Absentee Voting Act (52 U.S.C. 20310(1)).

18 **SEC. 212. STUDIES ON IMPROVING ACCESS TO VOTER REG-**
19 **ISTRATION INFORMATION AND ASSISTANCE**
20 **FOR MEMBERS OF THE ARMED FORCES.**

21 (a) STUDIES REQUIRED.—

22 (1) IN GENERAL.—The Secretary of each mili-
23 tary department shall conduct a study on means for
24 improving access to voter registration information

1 and assistance for members of the military depart-
2 ment and their family members.

3 (2) SURVEYS REQUIRED.—In conducting a
4 study required by paragraph (1), the Secretary of
5 each military department shall conduct a survey of
6 members of the military department to assess—

7 (A) the awareness of those members of the
8 requirement under section 1566a of title 10,
9 United States Code, that the department to
10 provide voter registration information and as-
11 sistance to members; and

12 (B) whether those members received such
13 information and assistance at the times re-
14 quired by subsection (c) of that section.

15 (b) REPORTS REQUIRED.—

16 (1) IN GENERAL.—Not later than September
17 30, 2025, the Secretary of each military department
18 shall submit to Congress a report on the results of
19 the study conducted by the Secretary under sub-
20 section (a)(1).

21 (2) ELEMENTS.—The report submitted by the
22 Secretary of a military department under paragraph
23 (1) shall include the following:

24 (A) The results of the survey conducted by
25 the Secretary under subsection (a)(2).

1 (B) An estimate of the costs and require-
2 ments to fully meet the needs of members of
3 the military department for access to voter reg-
4 istration information and assistance.

5 (C) A description and assessment of ac-
6 tions to be undertaken to increase access to
7 voter registration information and assistance of
8 members of the military department and their
9 family members.

10 **TITLE III—PROTECTION OF PO-**
11 **LITICAL SPEECH AND CAM-**
12 **PAIGN FINANCE REFORM**
13 **Subtitle A—Protecting Political**
14 **Speech**

15 **SEC. 301. FINDINGS.**

16 Congress finds the following:

17 (1) The structure of the Constitution and its
18 amendments represents the radical idea that any
19 sovereign power exercised by the federal government
20 flows either directly from the people or through the
21 States they established to govern themselves. In the
22 words of the Ninth and Tenth Amendments, “[t]he
23 enumeration in the Constitution, of certain rights,
24 shall not be construed to deny or disparage others
25 retained by the people.” “The powers not delegated

1 to the United States by the Constitution, nor prohib-
2 ited by it to the States, are reserved to the States
3 respectively, or to the people.”

4 (2) Among the many freedoms it protects, the
5 First Amendment prevents Congress from making
6 any law abridging the freedom of speech, the right
7 of the people peaceably to assemble, or the right of
8 the people to petition the Government for the re-
9 dress of grievances.

10 (3) Any proposed federal action concerning
11 freedom of speech, protest, or petition must start
12 with an analysis of the First Amendment. Congress
13 must ask whether the proposed action would abridge
14 these freedoms, and any uncertainty must be deter-
15 mined in favor of fewer restrictions on speech.

16 (4) In particular, political speech, uttered in the
17 furtherance of self-government, must raise an even
18 higher bar to congressional abridgement. The mech-
19 anisms and media used to offer political speech must
20 realize the same protections.

21 (5) As the Supreme Court has recognized, the
22 Constitution grants Congress only a very narrow in-
23 terest in the regulation of political speech, the pre-
24 ventions of corruption or the appearance of corrup-
25 tion.

1 (6) In order to uphold and effectuate the Con-
2 stitution, any federal statute that goes beyond this
3 interest must be repealed, and Congress must exer-
4 cise its Article 1 authorities to do so.

5 **SEC. 302. REPEAL OF LIMITS ON COORDINATED POLITICAL**
6 **PARTY EXPENDITURES.**

7 (a) REPEAL OF LIMITS.—Section 315(d) of the Fed-
8 eral Election Campaign Act of 1971 (52 U.S.C. 30116(d))
9 is amended—

10 (1) in paragraph (1)—

11 (A) by striking “may make expenditures”
12 and inserting “may make expenditures, includ-
13 ing coordinated expenditures,” and

14 (B) by striking “Federal office, subject to
15 the limitations contained in paragraphs (2), (3),
16 and (4) of this subsection” and inserting “Fed-
17 eral office in any amount”; and

18 (2) by striking paragraphs (2), (3), (4), and
19 (5).

20 (b) CLARIFYING TREATMENT OF CERTAIN PARTY
21 COMMUNICATIONS AS COORDINATED EXPENDITURES.—

22 Section 315(d) of such Act (52 U.S.C. 30116(d)), as
23 amended by subsection (a), is amended by adding at the
24 end the following new paragraph:

1 “(2) For purposes of this subsection, if a public com-
2 munication paid for by a committee of a political party
3 or its agent refers to a clearly identified House or Senate
4 candidate and is publicly distributed or otherwise publicly
5 disseminated in the clearly identified candidate’s jurisdic-
6 tion, the communication shall be treated as a coordinated
7 expenditure in connection with the campaign of a can-
8 didate for purposes of this subsection.”.

9 (c) CONFORMING AMENDMENT RELATING TO INDEX-
10 ING.—Section 315(c) of such Act (52 U.S.C. 30116(c))
11 is amended—

12 (1) in paragraph (1)(B)(i), by striking “(d),”;
13 and

14 (2) in paragraph (2)(B)(i), by striking “sub-
15 sections (b) and (d)” and inserting “subsection (b)”.

16 (d) EFFECTIVE DATE.—The amendments made by
17 this section shall apply with respect to elections held dur-
18 ing 2024 or any succeeding year.

19 **SEC. 303. REPEAL OF LIMIT ON AGGREGATE CONTRIBU-**
20 **TIONS BY INDIVIDUALS.**

21 (a) FINDINGS.—Congress finds that the Supreme
22 Court of the United States in *McCutcheon v. FEC*, 572
23 U.S. 185 (2014) determined the biennial aggregate limits
24 under section 315(a)(3) of the Federal Election Campaign

1 Act of 1971 (52 U.S.C. 30116(a)(3)) to be unconstitu-
2 tional.

3 (b) REPEAL.—Section 315(a) of the Federal Election
4 Campaign Act of 1971 (52 U.S.C. 30116(a)) is amended
5 by striking paragraph (3).

6 (c) CONFORMING AMENDMENTS.—Section 315(c) of
7 such Act (52 U.S.C. 30116(c)) is amended by striking
8 “(a)(3),” each place it appears in paragraph (1)(B)(i),
9 (1)(C), and (2)(B)(ii).

10 **SEC. 304. EQUALIZATION OF CONTRIBUTION LIMITS TO**
11 **STATE AND NATIONAL POLITICAL PARTY**
12 **COMMITTEES.**

13 (a) IN GENERAL.—Section 315(a)(1) of the Federal
14 Election Campaign Act of 1971 (52 U.S.C. 30116(a)(1))
15 is amended—

16 (1) in subparagraph (B), by striking “a na-
17 tional political party” and inserting “a national or
18 State political party”;

19 (2) by adding “or” at the end of subparagraph
20 (B);

21 (3) in subparagraph (C), by striking “; or” and
22 inserting a period; and

23 (4) by striking subparagraph (D).

24 (b) CONTRIBUTIONS BY MULTICANDIDATE POLIT-
25 ICAL COMMITTEES.—

1 (1) IN GENERAL.—Section 315(a)(2)(B) of
2 such Act (52 U.S.C. 30116(a)(2)(B)) is amended by
3 striking “a national political party” and inserting “a
4 national or State political party”.

5 (2) PRICE INDEX ADJUSTMENT.—Section
6 315(c) of such Act (52 U.S.C. 30116(c)) is amend-
7 ed—

8 (A) in paragraph (1), by adding at the end
9 the following new subparagraph:

10 “(D) In any calendar year after 2022—

11 “(i) a threshold established by subsection (a)(2)
12 shall be increased by the percent difference deter-
13 mined under subparagraph (A);

14 “(ii) each amount so increased shall remain in
15 effect for the calendar year; and

16 “(iii) if any amount after adjustment under
17 clause (i) is not a multiple of \$100, such amount
18 shall be rounded to the nearest multiple of \$100.”;
19 and

20 (B) in paragraph (2)(B)—

21 (i) in clause (i), by striking “and” at
22 the end;

23 (ii) in clause (ii), by striking the pe-
24 riod at the end and inserting “; and”; and

1 (iii) by adding at the end the fol-
2 lowing new clause:

3 “(iii) for purposes of subsection (a)(2), cal-
4 endar year 2022.”.

5 (c) ACCEPTANCE OF ADDITIONAL AMOUNTS FOR
6 CERTAIN ACCOUNTS.—

7 (1) PERMITTING ACCEPTANCE OF ADDITIONAL
8 AMOUNTS IN SAME MANNER AS NATIONAL PAR-
9 TIES.—Section 315(a) of such Act (52 U.S.C.
10 30116(a)) is amended—

11 (A) in paragraph (1)(B), by striking
12 “paragraph (9)” and inserting “paragraph (9)
13 or paragraph (10)”; and

14 (B) in paragraph (2)(B), by striking
15 “paragraph (9)” and inserting “paragraph (9)
16 or paragraph (10)”.

17 (2) ACCOUNTS.—Section 315(a)(9) of such Act
18 (52 U.S.C. 30116(a)(9)) is amended by striking
19 “national committee of a political party” each place
20 it appears in subparagraphs (A), (B), and (C) and
21 inserting “committee of a national or State political
22 party”.

23 (3) STATE PARTY CONVENTION ACCOUNTS DE-
24 SCRIBED.—Section 315(a) of such Act (52 U.S.C.

1 30116(a)) is amended by adding at the end the fol-
2 lowing new paragraph:

3 “(10) An account described in this paragraph is a
4 separate, segregated account of a political committee es-
5 tablished and maintained by a State committee of a polit-
6 ical party which is used solely to defray—

7 “(A) expenses incurred with respect to carrying
8 out State party nominating activities or other party-
9 building conventions; or

10 “(B) expenses incurred with respect to pro-
11 viding for the attendance of delegates at a presi-
12 dential nominating convention, but only to the extent
13 that such expenses are not paid for from the account
14 described in paragraph (9)(A).”.

15 (d) CLARIFICATION OF INDEXING OF AMOUNTS TO
16 ENSURE EQUALIZATION OF PARTY CONTRIBUTION LIM-
17 ITS.—For purposes of applying section 315(c) of such Act
18 (52 U.S.C. 30116(c)) to limits on the amount of contribu-
19 tions to political committees established and maintained
20 by a State political party, the amendments made by this
21 section shall be considered to have been included in section
22 307 of the Bipartisan Campaign Reform Act of 2002
23 (Public Law 107–55; 116 Stat. 102).

1 (e) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to elections held dur-
3 ing 2024 or any succeeding year.

4 **SEC. 305. EXPANSION OF PERMISSIBLE FEDERAL ELEC-**
5 **TION ACTIVITY BY STATE AND LOCAL POLIT-**
6 **ICAL PARTIES.**

7 (a) EXPANSION OF PERMISSIBLE USE OF FUNDS
8 NOT SUBJECT TO CONTRIBUTION LIMITS OR SOURCE
9 PROHIBITIONS BY STATE AND LOCAL POLITICAL PARTIES
10 FOR FEDERAL ELECTION ACTIVITY.—Section 323(b)(2)
11 of the Federal Election Campaign Act of 1971 (52 U.S.C.
12 30125(b)(2)) is amended to read as follows:

13 “(2) APPLICABILITY.—Notwithstanding section
14 301(20), for purposes of paragraph (1), an amount
15 that is expended or disbursed by a State, district, or
16 local committee of a political party shall be consid-
17 ered to be expended or disbursed for Federal elec-
18 tion activity only if the committee coordinated the
19 expenditure or disbursement of the amount with a
20 candidate for election for Federal office or an au-
21 thorized committee of a candidate for election for
22 Federal office.”.

23 (b) CONFORMING AMENDMENTS.—

24 (1) FUNDRAISING COSTS.—Section 323(c) of
25 such Act (52 U.S.C. 30125(c)) is amended by add-

1 ing at the end the following new sentence: “In the
2 case of a person described in subsection (b), the pre-
3 vious sentence applies only if the amount was spent
4 by such person in coordination with a candidate for
5 election for Federal office or an authorized com-
6 mittee of a candidate for election for Federal office,
7 as determined pursuant to regulations promulgated
8 by the Commission for the purpose of determining
9 whether a political party communication is coordi-
10 nated with a candidate, a candidate’s authorized
11 committee, or an agent thereof.”.

12 (2) APPEARANCE OF FEDERAL CANDIDATES OR
13 OFFICEHOLDERS AT FUNDRAISING EVENTS.—Sec-
14 tion 323(e)(3) of such Act (52 U.S.C. 30125(e)(3))
15 is amended by striking “subsection (b)(2)(C)” and
16 inserting “subsection (b)”.

17 **SEC. 306. PARTICIPATION IN JOINT FUNDRAISING ACTIVI-**
18 **TIES BY MULTIPLE POLITICAL COMMITTEES.**

19 (a) FINDINGS.—Congress finds the following:

20 (1) While federal law permits the Federal Elec-
21 tion Commission to engage in certain “gap-filling”
22 activities as it administers the Federal Election
23 Campaign Act of 1971, the regulations promulgated
24 by the Federal Election Commission to govern joint
25 fundraising activities of multiple political committees

1 are not tied specifically to any particular provision
2 of the Act, and while these regulations generally du-
3 plicate the provisions of the Act, they also impose
4 additional and unnecessary burdens on political com-
5 mittees which seek to engage in joint fundraising ac-
6 tivities, such as a requirement for written agree-
7 ments between the participating committees.

8 (2) It is therefore not necessary at this time to
9 direct the Federal Election Commission to repeal the
10 existing regulations which govern joint fundraising
11 activities of multiple political committees, as some
12 political committees may have reasons for following
13 the provisions of such regulations which impose ad-
14 ditional and unnecessary burdens on these activities.

15 (b) CRITERIA FOR PARTICIPATION IN JOINT FUND-
16 RAISING ACTIVITIES.—Section 302 of the Federal Elec-
17 tion Campaign Act of 1971 (52 U.S.C. 30102) is amended
18 by adding at the end the following new subsection:

19 “(j) CRITERIA FOR PARTICIPATION IN JOINT FUND-
20 RAISING ACTIVITIES BY MULTIPLE POLITICAL COMMIT-
21 TEES.—

22 “(1) CRITERIA DESCRIBED.—Two or more po-
23 litical committees as defined in this Act may partici-
24 pate in joint fundraising activities in accordance
25 with the following criteria:

1 “(A) The costs of the activities shall be al-
2 located among and paid for by the participating
3 committees on the basis of the allocation among
4 the participating committees of the contribu-
5 tions received as a result of the activities.

6 “(B) Notwithstanding subparagraph (A), a
7 participating committee may make a payment
8 (in whole or in part) for the portion of the costs
9 of the activities which is allocated to another
10 participating committee, and the amount of any
11 such payment shall be treated as a contribution
12 made by the committee to the other partici-
13 pating committee.

14 “(C) The provisions of section 315(a)(8)
15 regarding the treatment of contributions to a
16 candidate which are earmarked or otherwise di-
17 rected through an intermediary or conduit shall
18 apply to contributions made by a person to a
19 participating committee which are allocated by
20 the committee to another participating com-
21 mittee.

22 “(2) RULE OF CONSTRUCTION.—Nothing in
23 this subsection may be construed to prohibit two or
24 more political committees from participating in joint
25 fundraising activities by designating or establishing

1 a separate, joint committee subject to the registra-
2 tion and reporting requirements of this Act or by
3 publishing a joint fundraising notice.”.

4 **SEC. 307. PROTECTING PRIVACY OF DONORS TO TAX-EX-**
5 **EMPT ORGANIZATIONS.**

6 (a) **SHORT TITLE.**—This section may be cited as the
7 “Speech Privacy Act of 2022”.

8 (b) **RESTRICTIONS ON COLLECTION OF DONOR IN-**
9 **FORMATION.**—

10 (1) **RESTRICTIONS.**—An entity of the Federal
11 government may not collect or require the submis-
12 sion of information on the identification of any
13 donor to a tax-exempt organization.

14 (2) **EXCEPTIONS.**—Paragraph (1) does not
15 apply to the following:

16 (A) The Internal Revenue Service, acting
17 lawfully pursuant to section 6033 of the Inter-
18 nal Revenue Code of 1986 or any successor pro-
19 vision.

20 (B) The Secretary of the Senate and the
21 Clerk of the House of Representatives, acting
22 lawfully pursuant to section 3 of the Lobbying
23 Disclosure Act of 1995 (2 U.S.C. 1604).

1 (C) The Federal Election Commission, act-
2 ing lawfully pursuant to section 510 of title 36,
3 United States Code.

4 (D) An entity acting pursuant to a lawful
5 order of a court or administrative body which
6 has the authority under law to direct the entity
7 to collect or require the submission of the infor-
8 mation, but only to the extent permitted by the
9 lawful order of such court or administrative
10 body.

11 (c) RESTRICTIONS ON RELEASE OF DONOR INFOR-
12 MATION.—

13 (1) RESTRICTIONS.—An entity of the Federal
14 government may not disclose to the public informa-
15 tion revealing the identification of any donor to a
16 tax-exempt organization.

17 (2) EXCEPTIONS.—Paragraph (1) does not
18 apply to the following:

19 (A) The Internal Revenue Service, acting
20 lawfully pursuant to section 6104 of the Inter-
21 nal Revenue Code of 1986 or any successor pro-
22 vision.

23 (B) The Secretary of the Senate and the
24 Clerk of the House of Representatives, acting

1 lawfully pursuant to section 3 of the Lobbying
2 Disclosure Act of 1995 (2 U.S.C. 1604).

3 (C) The Federal Election Commission, act-
4 ing lawfully pursuant to section 510 of title 36,
5 United States Code.

6 (D) An entity acting pursuant to a lawful
7 order of a court or administrative body which
8 has the authority under law to direct the entity
9 to disclose the information, but only to the ex-
10 tent permitted by the lawful order of such court
11 or administrative body.

12 (E) An entity which discloses the informa-
13 tion as authorized by the organization.

14 (d) TAX-EXEMPT ORGANIZATION DEFINED.—In this
15 section, a “tax-exempt organization” means an organiza-
16 tion which is described in section 501(c) of the Internal
17 Revenue Code of 1986 and is exempt from taxation under
18 section 501(a) of such Code. Nothing in this subsection
19 may be construed to treat a political organization under
20 section 527 of such Code as a tax-exempt organization for
21 purposes of this section.

22 (e) PENALTIES.—It shall be unlawful for any officer
23 or employee of the United States, or any former officer
24 or employee, willfully to disclose to any person, except as
25 authorized in this section, any information revealing the

1 identification of any donor to a tax-exempt organization.
2 Any violation of this section shall be a felony punishable
3 upon conviction by a fine in any amount not exceeding
4 \$250,000, or imprisonment of not more than 5 years, or
5 both, together with the costs of prosecution, and if such
6 offense is committed by any officer or employee of the
7 United States, he shall, in addition to any other punish-
8 ment, be dismissed from office or discharged from employ-
9 ment upon conviction for such offense.

10 **SEC. 308. REPORTING REQUIREMENTS FOR TAX-EXEMPT**
11 **ORGANIZATIONS.**

12 (a) **SHORT TITLE.**—This section may be cited as the
13 “Don’t Weaponize the IRS Act”.

14 (b) **ORGANIZATIONS EXEMPT FROM REPORTING.**—

15 (1) **GROSS RECEIPTS THRESHOLD.**—Clause (ii)
16 of section 6033(a)(3)(A) of the Internal Revenue
17 Code of 1986 is amended by striking “\$5,000” and
18 inserting “\$50,000”.

19 (2) **ORGANIZATIONS DESCRIBED.**—Subpara-
20 graph (C) of section 6033(a)(3) of the Internal Rev-
21 enue Code of 1986 is amended—

22 (A) by striking “and” at the end of clause
23 (v),

24 (B) by striking the period at the end of
25 clause (vi) and inserting a semicolon, and

1 (C) by adding at the end the following new
2 clauses:

3 “(vii) any other organization described
4 in section 501(c) (other than a private
5 foundation or a supporting organization
6 described in section 509(a)(3)); and

7 “(viii) any organization (other than a
8 private foundation or a supporting organi-
9 zation described in section 509(a)(3))
10 which is not described in section
11 170(c)(2)(A), or which is created or orga-
12 nized in a possession of the United States,
13 which has no significant activity (including
14 lobbying and political activity and the op-
15 eration of a trade or business) other than
16 investment activity in the United States.”.

17 (3) EFFECTIVE DATE.—The amendments made
18 by this subsection shall apply to taxable years end-
19 ing after the date of the enactment of this Act.

20 (c) CLARIFICATION OF APPLICATION TO SECTION
21 527 ORGANIZATIONS.—

22 (1) IN GENERAL.—Paragraph (1) of section
23 6033(g) of the Internal Revenue Code of 1986 is
24 amended—

1 (A) by striking “This section” and insert-
2 ing “Except as otherwise provided by this sub-
3 section, this section”, and

4 (B) by striking “for the taxable year.” and
5 inserting “for the taxable year in the same
6 manner as to an organization exempt from tax-
7 ation under section 501(a).”.

8 (2) EFFECTIVE DATE.—The amendments made
9 by this subsection shall apply to taxable years end-
10 ing after the date of the enactment of this Act.

11 (d) REPORTING OF NAMES AND ADDRESSES OF CON-
12 TRIBUTORS.—

13 (1) IN GENERAL.—Paragraph (1) of section
14 6033(a) of the Internal Revenue Code of 1986 is
15 amended by adding at the end the following: “Ex-
16 cept as provided in subsections (b)(5) and (g)(2)(B),
17 such annual return shall not be required to include
18 the names and addresses of contributors to the orga-
19 nization.”.

20 (2) APPLICATION TO SECTION 527 ORGANIZA-
21 TIONS.—Paragraph (2) of section 6033(g) of the In-
22 ternal Revenue Code of 1986 is amended—

23 (A) by striking “and” at the end of sub-
24 paragraph (A),

1 (B) by redesignating subparagraph (B) as
2 subparagraph (C), and

3 (C) by inserting after subparagraph (A)
4 the following new subparagraph:

5 “(B) containing the names and addresses
6 of all substantial contributors, and”.

7 (3) EFFECTIVE DATE.—The amendments made
8 by this subsection shall apply to taxable years end-
9 ing after the date of the enactment of this Act.

10 **SEC. 309. MAINTENANCE OF STANDARDS FOR DETER-**
11 **MINING ELIGIBILITY OF SECTION 501(C)(4)**
12 **ORGANIZATIONS.**

13 (a) IN GENERAL.—The Department of the Treasury,
14 including the Internal Revenue Service, may not issue, re-
15 vise, or finalize any regulation, revenue ruling, or other
16 guidance not limited to a particular taxpayer relating to
17 the standard which is used to determine whether an orga-
18 nization is operated exclusively for the promotion of social
19 welfare for purposes of section 501(c)(4) of the Internal
20 Revenue Code of 1986 (including the proposed regulations
21 published at 78 Fed. Reg. 71535 (November 29, 2013)).

22 (b) APPLICATION OF CURRENT STANDARDS AND
23 DEFINITIONS.—The standard and definitions as in effect
24 on January 1, 2010, which are used to make determina-
25 tions described in subsection (a) shall apply after the date

1 of the enactment of this Act for purposes of determining
2 status under section 501(c)(4) of such Code of organiza-
3 tions created on, before, or after such date.

4 **Subtitle B—Prohibition on Use of** 5 **Federal Funds for Congres-** 6 **sional Campaigns**

7 **SEC. 311. PROHIBITING USE OF FEDERAL FUNDS FOR PAY-** 8 **MENTS IN SUPPORT OF CONGRESSIONAL** 9 **CAMPAIGNS.**

10 No Federal funds, including amounts attributable to
11 the collection of fines and penalties, may be used to make
12 any payment in support of a campaign for election for the
13 office of Senator or Representative in, or Delegate or Resi-
14 dent Commissioner to, the Congress.

15 **Subtitle C—Registration and** 16 **Reporting Requirements**

17 **SEC. 321. REPORTING REQUIREMENTS WITH RESPECT TO** 18 **ELECTIONEERING COMMUNICATIONS.**

19 Section 304(a)(11)(A)(i) of the Federal Election
20 Campaign Act of 1971 (52 U.S.C. 30104(a)(11)(A)(i)) is
21 amended by inserting “or makes, or has reason to expect
22 to make, electioneering communications” after “expendi-
23 tures”.

1 **SEC. 322. INCREASED QUALIFYING THRESHOLD AND ES-**
2 **TABLISHING PURPOSE FOR POLITICAL COM-**
3 **MITTEES.**

4 (a) IN GENERAL.—Section 301(4) of the Federal
5 Election Campaign Act of 1971 (52 U.S.C. 30101(4)) is
6 amended to read as follows:

7 “(4) The term ‘political committee’ means—

8 “(A) any committee, club, association, or
9 other group of persons, including any local com-
10 mittee of a political party, which receives con-
11 tributions aggregating in excess of \$25,000
12 during a calendar year or which makes expendi-
13 tures aggregating in excess of \$25,000 during
14 a calendar year and which is under the control
15 of a candidate or has the major purpose of
16 nominating or electing a candidate; or

17 “(B) any separate segregated fund estab-
18 lished under the provisions of section 316(b).”.

19 (b) DEFINITION.—Section 301 of such Act (52
20 U.S.C. 30101) is amended by adding at the end the fol-
21 lowing new paragraph:

22 “(27) MAJOR PURPOSE OF NOMINATING OR
23 ELECTING A CANDIDATE.—The term ‘major purpose
24 of nominating or electing a candidate’ means, with
25 respect to a group of persons described in paragraph
26 (4)(A)—

1 “(A) a group whose central organizational
2 purpose is to expressly advocate for the nomina-
3 tion, election, or defeat of a candidate; or

4 “(B) a group for which the majority of its
5 spending throughout its lifetime of existence
6 has been on contributions, expenditures, or
7 independent expenditures.”.

8 (c) PRICE INDEX ADJUSTMENT FOR POLITICAL COM-
9 MITTEE THRESHOLD.—Section 315(c) of such Act (52
10 U.S.C. 30116(c)), as amended by section 304(b), is
11 amended—

12 (1) in paragraph (1), by adding at the end the
13 following new subparagraph:

14 “(E) In any calendar year after 2022—

15 “(i) a threshold established by sections
16 301(4)(A) or 301(4)(C) shall be increased by the
17 percent difference determined under subparagraph
18 (A);

19 “(ii) each amount so increased shall remain in
20 effect for the calendar year; and

21 “(iii) if any amount after adjustment under
22 clause (i) is not a multiple of \$100, such amount
23 shall be rounded to the nearest multiple of \$100.”;
24 and

25 (2) in paragraph (2)(B)—

1 (A) in clause (ii), by striking “and” at the
2 end;

3 (B) in clause (iii), by striking the period at
4 the end and inserting “; and”; and

5 (C) by adding at the end the following new
6 clause:

7 “(iv) for purposes of sections 301(4)(A)
8 and 301(4)(C), calendar year 2022.”.

9 (d) EFFECTIVE DATE.—The amendments made by
10 this section shall apply with respect to elections held dur-
11 ing 2024 or any succeeding year.

12 **SEC. 323. INCREASED THRESHOLD WITH RESPECT TO INDE-**
13 **PENDENT EXPENDITURE REPORTING RE-**
14 **QUIREMENT.**

15 (a) IN GENERAL.—Section 304(c)(1) of the Federal
16 Election Campaign Act of 1971 (52 U.S.C. 30104(c)(1))
17 is amended by striking “\$250” and inserting “\$1,000”.

18 (b) PRICE INDEX ADJUSTMENT FOR INDEPENDENT
19 EXPENDITURE REPORTING THRESHOLD.—Section 315(c)
20 of the Federal Election Campaign Act of 1971 (52 U.S.C.
21 30116(c)), as amended by sections 304(b) and 322(b), is
22 amended—

23 (1) in paragraph (1), by adding at the end the
24 following new subparagraph:

25 “(F) In any calendar year after 2022—

1 “(i) a threshold established by section 304(c)(1)
2 shall be increased by the percent difference deter-
3 mined under subparagraph (A);

4 “(ii) each amount so increased shall remain in
5 effect for the calendar year; and

6 “(iii) if any amount after adjustment under
7 clause (i) is not a multiple of \$100, such amount
8 shall be rounded to the nearest multiple of \$100.”;
9 and

10 (2) in paragraph (2)(B)—

11 (A) in clause (iii), by striking “and” at the
12 end;

13 (B) in clause (iv), by striking the period at
14 the end and inserting “; and”; and

15 (C) by adding at the end the following new
16 clause:

17 “(v) for purposes of section 304(c)(1), cal-
18 endar year 2022.”.

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall apply with respect to elections held dur-
21 ing 2024 or any succeeding year.

22 **SEC. 324. INCREASED QUALIFYING THRESHOLD WITH RE-**
23 **SPECT TO CANDIDATES.**

24 (a) INCREASE IN THRESHOLD.—Section 301(2) of
25 the Federal Election Campaign Act of 1971 (52 U.S.C.

1 30101(2)) is amended by striking “\$5,000” each place it
2 appears and inserting “\$10,000”.

3 (b) PRICE INDEX ADJUSTMENT FOR EXEMPTION OF
4 CERTAIN AMOUNTS AS CONTRIBUTIONS.—Section 315(c)
5 of such Act (52 U.S.C. 30116(c)), as amended by sections
6 304(b), 322(b), and 323(b), is amended—

7 (1) in paragraph (1), by adding at the end the
8 following new subparagraph:

9 “(G) In any calendar year after 2022—

10 “(i) a threshold established by sections 301(2)
11 shall be increased by the percent difference deter-
12 mined under subparagraph (A);

13 “(ii) each amount so increased shall remain for
14 the 2-year period that begins on the first day fol-
15 lowing the date of the general election in the year
16 preceding the year in which the amount is increased
17 and ending on the date of the next general election;
18 and

19 “(iii) if any amount after adjustment under
20 clause (i) is not a multiple of \$100, such amount
21 shall be rounded to the nearest multiple of \$100.”;
22 and

23 (2) in paragraph (2)(B)—

24 (A) in clause (iv), by striking “and” at the
25 end;

1 (B) in clause (v), by striking the period at
2 the end and inserting “; and”; and

3 (C) by adding at the end the following new
4 clause:

5 “(vi) for purposes of sections 301(2), cal-
6 endar year 2022.”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply with respect to elections held dur-
9 ing 2024 or any succeeding year.

10 **SEC. 325. REPEAL REQUIREMENT OF PERSONS MAKING**
11 **INDEPENDENT EXPENDITURES TO REPORT**
12 **IDENTIFICATION OF CERTAIN DONORS.**

13 (a) REPEAL.—Section 304(c)(2) of the Federal Elec-
14 tion Campaign Act of 1971 (52 U.S.C. 30104(c)(2)) is
15 amended—

16 (1) in subparagraph (A), by adding “and” at
17 the end;

18 (2) in subparagraph (B), by striking “; and”
19 and inserting a period; and

20 (3) by striking subparagraph (C).

21 (b) CONFORMING AMENDMENT.—Section 304(c)(1)
22 of such Act (52 U.S.C. 30104(c)(1)) is amended by strik-
23 ing “the information required under subsection (b)(3)(A)
24 for all contributions received by such person” and insert-
25 ing “the information required under paragraph (2)”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to independent ex-
3 penditures made on or after the date of the enactment
4 of this Act.

5 **Subtitle D—Exclusion of Certain**
6 **Amounts From Treatment as**
7 **Contributions or Expenditures**

8 **SEC. 331. INCREASED THRESHOLD FOR EXEMPTION OF**
9 **CERTAIN AMOUNTS AS CONTRIBUTIONS.**

10 (a) REAL OR PERSONAL PROPERTY EXEMPTION.—
11 Section 301(8)(B)(ii) of the Federal Election Campaign
12 Act of 1971 (52 U.S.C. 30101(8)(B)(ii)) is amended—

13 (1) by striking “\$1,000” and inserting
14 “\$2,000”; and

15 (2) by striking “\$2,000” and inserting
16 “\$4,000”.

17 (b) TRAVEL EXPENSES EXEMPTION.—Section
18 301(8)(B)(iv) of the Federal Election Campaign Act of
19 1971 (52 U.S.C. 30101(8)(B)(iv)) is amended—

20 (1) by striking “\$1,000” and inserting
21 “\$2,000”; and

22 (2) by striking “\$2,000” and inserting
23 “\$4,000”.

24 (c) PRICE INDEX ADJUSTMENT FOR EXEMPTION OF
25 CERTAIN AMOUNTS AS CONTRIBUTIONS.—Section 315(c)

1 of such Act (52 U.S.C. 30116(c)), as amended by sections
2 304(b), 322(b), 323(b), and 324(b) is amended—

3 (1) in paragraph (1), by adding at the end the
4 following new subparagraph:

5 “(H) In any calendar year after 2022—

6 “(i) the exemption amounts established by sec-
7 tions 301(8)(B)(ii) or 301(8)(B)(iv) shall be in-
8 creased by the percent difference determined under
9 subparagraph (A);

10 “(ii) each amount so increased shall remain for
11 the 2-year period that begins on the first day fol-
12 lowing the date of the general election in the year
13 preceding the year in which the amount is increased
14 and ending on the date of the next general election;
15 and

16 “(iii) if any amount after adjustment under
17 clause (i) is not a multiple of \$100, such amount
18 shall be rounded to the nearest multiple of \$100.”;
19 and

20 (2) in paragraph (2)(B)—

21 (A) in clause (v), by striking “and” at the
22 end;

23 (B) in clause (vi), by striking the period at
24 the end and inserting “; and”; and

1 (C) by adding at the end the following new
2 clause:

3 “(vii) for purposes of sections
4 301(8)(B)(ii) or 301(8)(B)(iv), calendar year
5 2022.”.

6 (d) EFFECTIVE DATE.—The amendments made by
7 this section shall apply with respect to elections held dur-
8 ing 2024 or any succeeding year.

9 **SEC. 332. EXEMPTION OF UNCOMPENSATED INTERNET**
10 **COMMUNICATIONS FROM TREATMENT AS**
11 **CONTRIBUTION OR EXPENDITURE.**

12 (a) EXEMPTIONS.—

13 (1) EXEMPTION FROM TREATMENT AS CON-
14 TRIBUTION.—Section 301(8)(B) of the Federal Elec-
15 tion Campaign Act of 1971 (52 U.S.C.
16 30101(8)(B)) is amended—

17 (A) by striking “and” at the end of clause
18 (xiii);

19 (B) by striking the period at the end of
20 clause (xiv) and inserting “; and”; and

21 (C) by adding at the end the following new
22 clause:

23 “(xv) any payment by any person in producing
24 and disseminating any information or communica-
25 tion on the Internet, Internet platform or other

1 Internet-enabled application, unless the information
2 or communication is disseminated for a fee on an-
3 other person’s website, platform or other Internet-
4 enabled application, whether coordinated or not.”.

5 (2) EXEMPTION FROM TREATMENT AS EXPEND-
6 ITURE.—Section 301(9)(B) of such Act (52 U.S.C.
7 30101(9)(B)) is amended—

8 (A) by striking “and” at the end of clause
9 (ix);

10 (B) by striking the period at the end of
11 clause (x) and inserting “; and”; and

12 (C) by adding at the end the following new
13 clause:

14 “(xi) any cost incurred by any person in pro-
15 ducing and disseminating any information or com-
16 munication on the Internet, Internet platform or
17 other Internet-enabled application, unless the infor-
18 mation or communication is disseminated for a fee
19 on another person’s website, platform or other Inter-
20 net-enabled application.”.

21 (b) APPLICATION TO DEFINITION OF PUBLIC COM-
22 MUNICATIONS.—Section 301(22) of such Act (52 U.S.C.
23 30101(22)) is amended by adding at the end the following:
24 “In the previous sentence, the terms ‘public communica-
25 tion’ and ‘general public political advertising’ do not in-

1 clude communications disseminated over the Internet or
2 via an Internet platform or other Internet-enabled applica-
3 tion, unless the communication or advertising is dissemi-
4 nated for a fee on another person’s website, platform or
5 other internet-enabled application.”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section shall apply with respect to elections held dur-
8 ing 2024 or any succeeding year.

9 **SEC. 333. MEDIA EXEMPTION.**

10 (a) EXPANSION OF EXEMPTION TO ADDITIONAL
11 FORMS OF MEDIA.—Section 301(9)(B)(i) of the Federal
12 Election Campaign Act of 1971 (52 U.S.C.
13 30101(9)(B)(i)) is amended to read as follows:

14 “(i) any news story, commentary, or edi-
15 torial distributed through the facilities of any
16 broadcasting, cable, satellite, or internet-based
17 station, programmer, operator or producer;
18 newspaper, magazine, or other periodical pub-
19 lisher; electronic publisher, platform, or applica-
20 tion; book publisher; or filmmaker or film pro-
21 ducer, distributor or exhibitor, unless such fa-
22 cilities are owned or controlled by any political
23 party, political committee, or candidate;”.

1 (b) APPLICATION TO CONTRIBUTIONS.—Section
2 301(8)(B) of such Act (52 U.S.C. 30101(8)(B)), as
3 amended by section 332(a)(1), is amended—

4 (1) by redesignating clauses (i) through (xv) as
5 clauses (ii) through (xvi); and

6 (2) by inserting before clause (ii) (as so redesign-
7 nated) the following new clause:

8 “(i) any payment for any news story, com-
9 mentary, or editorial distributed through the fa-
10 cilities of any broadcasting, cable, satellite, or
11 internet-based station, programmer, operator or
12 producer; newspaper, magazine, or other peri-
13 odical publisher; electronic publisher, platform,
14 or application; book publisher; or filmmaker or
15 film producer, distributor or exhibitor.”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall apply with respect to elections held dur-
18 ing 2024 or any succeeding year.

19 **Subtitle E—Prohibition on**
20 **Issuance of Regulations on Po-**
21 **litical Contributions**

22 **SEC. 341. PROHIBITION ON ISSUANCE OF REGULATIONS ON**
23 **POLITICAL CONTRIBUTIONS.**

24 The Securities and Exchange Commission may not
25 finalize, issue, or implement any rule, regulation, or order

1 regarding the disclosure of political contributions, con-
2 tributions to tax exempt organizations, or dues paid to
3 trade associations.

4 **Subtitle F—Miscellaneous** 5 **Provisions**

6 **SEC. 351. PERMANENT EXTENSION OF FINES FOR QUALI-** 7 **FIED DISCLOSURE REQUIREMENT VIOLA-** 8 **TIONS.**

9 Section 309(a)(4)(C)(v) of the Federal Election Cam-
10 paign Act of 1971 (52 U.S.C. 30109(a)(4)(C)(v)) is
11 amended by striking “, and that end on or before Decem-
12 ber 31, 2023”.

13 **SEC. 352. POLITICAL COMMITTEE DISBURSEMENT RE-** 14 **QUIREMENTS.**

15 Section 302(h)(1) of the Federal Election Campaign
16 Act of 1971 (52 U.S.C. 30102(h)(1)) is amended by strik-
17 ing “except by check drawn on such accounts in accord-
18 ance with this section” and inserting “except from such
19 accounts”.

20 **SEC. 353. DESIGNATION OF INDIVIDUAL AUTHORIZED TO** 21 **MAKE CAMPAIGN COMMITTEE DISBURSE-** 22 **MENTS IN EVENT OF DEATH OF CANDIDATE.**

23 (a) IN GENERAL.—Section 302 of the Federal Elec-
24 tion Campaign Act of 1971 (52 U.S.C. 30102), as amend-

1 ed by section 307(b), is amended by adding at the end
2 the following new subsection:

3 “(k)(1) Each candidate may, with respect to each au-
4 thorized committee of the candidate, designate an indi-
5 vidual who shall be responsible for disbursing funds in the
6 accounts of the committee in the event of the death of
7 the candidate, and may also designate another individual
8 to carry out the responsibilities of the designated indi-
9 vidual under this subsection in the event of the death or
10 incapacity of the designated individual or the unwilling-
11 ness of the designated individual to carry out the respon-
12 sibilities.

13 “(2) In order to designate an individual under this
14 subsection, the candidate shall file with the Commission
15 a signed written statement (in a standardized form devel-
16 oped by the Commission) that contains the name and ad-
17 dress of the individual and the name of the authorized
18 committee for which the designation shall apply, and that
19 may contain the candidate’s instructions regarding the
20 disbursement of the funds involved by the individual. At
21 any time after filing the statement, the candidate may re-
22 voke the designation of an individual by filing with the
23 Commission a signed written statement of revocation (in
24 a standardized form developed by the Commission).

1 “(3)(A) Upon the death of a candidate who has des-
2 ignated an individual for purposes of paragraph (1), funds
3 in the accounts of each authorized committee of the can-
4 didate may be disbursed only under the direction and in
5 accordance with the instructions of such individual, sub-
6 ject to the terms and conditions applicable to the disburse-
7 ment of such funds under this Act or any other applicable
8 Federal or State law (other than any provision of State
9 law which authorizes any person other than such indi-
10 vidual to direct the disbursement of such funds).

11 “(B) Subparagraph (A) does not apply with respect
12 to an authorized committee if, at the time of the can-
13 didate’s death, the authorized committee has a treasurer
14 or a designated agent of the treasurer as described in sec-
15 tion 302(a), unless the treasurer or designated agent is
16 incapacitated or cannot be reached by the authorized com-
17 mittee.

18 “(C) Nothing in this paragraph may be construed to
19 grant any authority to an individual who is designated
20 pursuant to this subsection other than the authority to
21 direct the disbursement of funds as provided in such para-
22 graph, or may be construed to affect the responsibility of
23 the treasurer of an authorized committee for which funds
24 are disbursed in accordance with such paragraph to file

1 reports of the disbursements of such funds under section
2 304(a).”.

3 (b) INCLUSION OF DESIGNATION IN STATEMENT OF
4 ORGANIZATION OF COMMITTEE.—Section 303(b) of such
5 Act (52 U.S.C. 30103(b)) is amended—

6 (1) in paragraph (5), by striking “and” at the
7 end;

8 (2) in paragraph (6), by striking the period at
9 the end and inserting “; and”; and

10 (3) by adding at the end the following new
11 paragraph:

12 “(7) in the case of an authorized committee of
13 a candidate who has designated an individual under
14 section 302(k) (including a second individual des-
15 ignated to carry out the responsibilities of that indi-
16 vidual under such section in the event of that indi-
17 vidual’s death or incapacity or unwillingness to carry
18 out the responsibilities) to disburse funds from the
19 accounts of the committee in the event of the death
20 of the candidate, a copy of the statement filed by the
21 candidate with the Commission under such section
22 (as well as a copy of any subsequent statement of
23 revocation filed by the candidate with the Commis-
24 sion under such section).”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to authorized cam-
3 paign committees which are designated under section
4 302(e)(1) of the Federal Election Campaign Act of 1971
5 before, on, or after the date of the enactment of this Act.

6 **SEC. 354. PROHIBITION ON CONTRIBUTIONS IN NAME OF**
7 **ANOTHER.**

8 Section 320 of the Federal Election Campaign Act
9 of 1971 (52 U.S.C. 30122) is amended by adding at the
10 end the following new sentence: “No person shall know-
11 ingly direct, help, or assist any person in making a con-
12 tribution in the name of another person.”.

13 **SEC. 355. UNANIMOUS CONSENT OF COMMISSION MEM-**
14 **BERS REQUIRED FOR COMMISSION TO**
15 **REFUSE TO DEFEND ACTIONS BROUGHT**
16 **AGAINST COMMISSION.**

17 (a) UNANIMOUS CONSENT.—Section 307 of the Fed-
18 eral Election Campaign Act of 1971 (52 U.S.C. 30107)
19 is amended by adding at the end the following new sub-
20 section:

21 “(f)(1) Except as provided in paragraph (2), the
22 Commission shall defend each action brought against the
23 Commission under this Act or chapter 95 and 96 of the
24 Internal Revenue Code of 1986—

1 “(A) through the general counsel, as provided
2 in subsection (a)(6);

3 “(B) by appointing counsel as provided in sec-
4 tion 306(f)(4); or

5 “(C) by referral to the Attorney General in the
6 case of a criminal action.

7 “(2) The Commission may refuse to defend an action
8 brought against the Commission pursuant to the unani-
9 mous vote of its Members.”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall apply with respect to actions brought
12 on or after the date of the enactment of this Act.

13 **SEC. 356. FEDERAL ELECTION COMMISSION MEMBER PAY.**

14 Section 306(a)(4) of the Federal Election Campaign
15 Act of 1971 (52 U.S.C. 30106(a)(4)) is amended by strik-
16 ing “equivalent to the compensation paid at level IV of
17 the Executive Schedule (5 U.S.C. 5315)” and inserting
18 “at an annual rate of basic pay of \$186,300, as adjusted
19 under section 5318 of title 5, United States Code, in the
20 same manner as the annual rate of pay for positions at
21 each level of the Executive Schedule”.

1 **SEC. 357. UNIFORM STATUTE OF LIMITATIONS FOR PRO-**
2 **CEEDINGS TO ENFORCE FEDERAL ELECTION**
3 **CAMPAIGN ACT OF 1971.**

4 (a) 5-YEAR LIMITATION.—Section 406(a) of the Fed-
5 eral Election Campaign Act of 1971 (52 U.S.C. 30145(a))
6 is amended—

7 (1) by striking “(a)” and inserting “(a)(1)”;
8 and

9 (2) by adding at the end the following new
10 paragraph:

11 “(2) No person shall be subject to a civil penalty for
12 any violation of title III of this Act unless the proceeding
13 is initiated in accordance with section 309 not later than
14 5 years after the date on which the violation occurred.”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 subsection (a) shall apply with respect to violations occur-
17 ring on or after the date of the enactment of this Act.

18 **SEC. 358. THEFT FROM POLITICAL COMMITTEE AS A FED-**
19 **ERAL CRIME.**

20 (a) FEDERAL CRIME.—Chapter 29 of title 18, United
21 States Code, as amended by section 161(b), is amended
22 by adding at the end the following new section:

23 **“§ 613. Theft from political committee**

24 “(a) IN GENERAL.—It shall be unlawful... *[policy to*
25 *be provided, including whether this applies only to Federal*
26 *committees or to State and local campaigns as well (i.e.,*

1 *perhaps referring to political organizations under 527 of*
2 *the IRC?)]*

3 “(b) PENALTY.—Any person who violates subsection
4 (a) shall be fined not more than \$_____,
5 imprisoned for not more than _____, or both.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 for chapter 28 of title 18, United States Code, is amended
8 by adding at the end the following new item:

“613. Theft from political committee.”.

9 **SEC. 359. DEADLINE FOR PROMULGATION OF PROPOSED**
10 **REGULATIONS.**

11 Not later than 120 days after the date of the enact-
12 ment of this Act, the Federal Election Commission shall
13 publish in the Federal Register proposed regulations to
14 carry out this title and the amendments made by this title.

15 **TITLE IV—ELECTION SECURITY**
16 **Subtitle A—Promoting Election**
17 **Security**

18 **SEC. 401. SHORT TITLE.**

19 This title may be cited as the “Election Security As-
20 sistance Act”.

21 **SEC. 402. REPORTS TO CONGRESS ON FOREIGN THREATS**
22 **TO ELECTIONS.**

23 (a) IN GENERAL.—Not later than 30 days after the
24 date of enactment of this Act, and 30 days after the end
25 of each fiscal year thereafter, the Secretary of Homeland

1 Security and the Director of National Intelligence, in co-
2 ordination with the heads of the appropriate Federal enti-
3 ties, shall submit a joint report to the appropriate congres-
4 sional committees and the chief State election official of
5 each State on foreign threats to elections in the United
6 States, including physical and cybersecurity threats.

7 (b) VOLUNTARY PARTICIPATION BY STATES.—The
8 Secretary shall solicit and consider voluntary comments
9 from all State election agencies. Participation by an elec-
10 tion agency in the report under this section shall be vol-
11 untary and at the discretion of the State.

12 (c) APPROPRIATE FEDERAL ENTITIES.—In this sec-
13 tion, the term “appropriate Federal entities” means—

14 (1) the Department of Commerce, including the
15 National Institute of Standards and Technology;

16 (2) the Department of Defense;

17 (3) the Department of Homeland Security, in-
18 cluding the component of the Department that re-
19 ports to the Under Secretary responsible for over-
20 seeing critical infrastructure protection, cybersecu-
21 rity, and other related programs of the Department;

22 (4) the Department of Justice, including the
23 Federal Bureau of Investigation;

24 (5) the Election Assistance Commission; and

1 (6) the Office of the Director of National Intel-
2 ligence, the National Security Agency, and such
3 other elements of the intelligence community (as de-
4 fined in section 3 of the National Security Act of
5 1947 (50 U.S.C. 3003)) as the Director of National
6 Intelligence determines are appropriate.

7 (d) OTHER DEFINITIONS.—In this section—

8 (1) the term “appropriate congressional com-
9 mittees” means—

10 (A) the Committee on Rules and Adminis-
11 tration, the Committee on Homeland Security
12 and Governmental Affairs, the Select Com-
13 mittee on Intelligence, and the Committee on
14 Foreign Relations of the Senate; and

15 (B) the Committee on House Administra-
16 tion, the Committee on Homeland Security, the
17 Permanent Select Committee on Intelligence,
18 and the Committee on Foreign Affairs of the
19 House of Representatives;

20 (2) the term “chief State election official”
21 means, with respect to a State, the individual des-
22 ignated by the State under section 10 of the Na-
23 tional Voter Registration Act of 1993 (52 U.S.C.
24 20509) to be responsible for coordination of the
25 State’s responsibilities under such Act;

1 (3) the term “election agency” means any com-
2 ponent of a State or any component of a unit of
3 local government of a State that is responsible for
4 administering Federal elections;

5 (4) the term “Secretary” means the Secretary
6 of Homeland Security; and

7 (5) the term “State” has the meaning given
8 such term in section 901 of the Help America Vote
9 Act of 2002 (52 U.S.C. 21141).

10 **SEC. 403. RULE OF CONSTRUCTION.**

11 Nothing in this title may be construed as authorizing
12 the Secretary of Homeland Security to carry out the ad-
13 ministration of an election for Federal office.

14 **Subtitle B—Cybersecurity for**
15 **Election Systems**

16 **SEC. 411. CYBERSECURITY ADVISORIES RELATING TO**
17 **ELECTION SYSTEMS.**

18 (a) CYBERSECURITY ADVISORIES.—

19 (1) IN GENERAL.—The Director of the Cyberse-
20 curity and Infrastructure Security Agency of the De-
21 partment of Homeland Security (in this subtitle re-
22 ferred to as the “Director”) shall collaborate with
23 the Election Assistance Commission (in this subtitle
24 referred to as the “Commission”) to determine if an
25 advisory relating to the cybersecurity of election sys-

1 tems used in the administration of elections for Fed-
2 eral office or the cybersecurity of elections for Fed-
3 eral office generally is necessary. If such a deter-
4 mination is made in the affirmative, the Director
5 shall collaborate with the Commission in the prepa-
6 ration of such an advisory.

7 (2) PROHIBITION.—The Director may not issue
8 an advisory described in paragraph (1) unless the
9 Commission has provided input relating thereto.

10 (b) NOTIFICATION.—If the Director issues an advi-
11 sory described in subsection (a), the Director, in collabora-
12 tion with the Commission, shall provide to appropriate
13 State election officials and vendors of covered voting sys-
14 tems notification relating thereto.

15 **SEC. 412. PROCESS TO TEST FOR AND MONITOR CYBERSE-**
16 **CURITY VULNERABILITIES IN ELECTION**
17 **EQUIPMENT.**

18 (a) PROCESS FOR COVERED VOTING SYSTEMS.—

19 (1) IN GENERAL.—The Director and the Com-
20 mission (in consultation with the Technical Guide-
21 lines Development Committee and the Standards
22 Board of the Commission), shall jointly establish a
23 voluntary process to test for and monitor covered
24 voting systems for cybersecurity vulnerabilities. Such
25 process shall include the following:

1 (A) Mitigation strategies and other rem-
2 edies.

3 (B) Notice to the Commission and appro-
4 priate entities of the results of testing con-
5 ducted pursuant to such process.

6 (2) IMPLEMENTATION.—The Director shall im-
7 plement the process established under paragraph (1)
8 at the request of the Commission.

9 (b) LABELING FOR VOTING SYSTEMS.—The Commis-
10 sion (in consultation with the Technical Guidelines Devel-
11 opment Committee and the Standards Board of the Com-
12 mission), shall establish a process to provide for the de-
13 ployment of appropriate labeling available through the
14 website of the Commission to indicate that covered voting
15 systems passed the most recent cybersecurity testing pur-
16 suant to the process established under subsection (a).

17 (c) RULES OF CONSTRUCTION.—The process estab-
18 lished under subsection (a), including the results of any
19 testing carried out pursuant to this section, shall not af-
20 fect—

21 (1) the certification status of equipment used in
22 the administration of an election for Federal office
23 under the Help America Vote Act of 2002; or

24 (2) the authority of the Commission to so cer-
25 tify such equipment under such Act.

1 (d) DEFINITION.—In this section, the term “covered
2 voting systems” means equipment used in the administra-
3 tion of an election for Federal office that is certified in
4 accordance with versions of Voluntary Voting System
5 Guidelines under the Help America Vote Act of 2002
6 under which such equipment is not required to be tested
7 for cybersecurity vulnerabilities.

8 **SEC. 413. DUTY OF SECRETARY OF HOMELAND SECURITY**
9 **TO NOTIFY STATE AND LOCAL OFFICIALS OF**
10 **ELECTION CYBERSECURITY INCIDENTS.**

11 (a) DUTY TO SHARE INFORMATION WITH DEPART-
12 MENT OF HOMELAND SECURITY.—If a Federal entity re-
13 ceives information about an election cybersecurity inci-
14 dent, the Federal entity shall promptly share that infor-
15 mation with the Department of Homeland Security, unless
16 the head of the entity (or a Senate-confirmed official des-
17 ignated by the head) makes a specific determination in
18 writing that there is good cause to withhold the particular
19 information.

20 (b) RESPONSE TO RECEIPT OF INFORMATION BY
21 SECRETARY OF HOMELAND SECURITY.—

22 (1) IN GENERAL.—Upon receiving information
23 about an election cybersecurity incident under sub-
24 section (a), the Secretary of Homeland Security, in
25 consultation with the Attorney General, the Director

1 of the Federal Bureau of Investigation, and the Di-
2 rector of National Intelligence, shall promptly (but
3 in no case later than 96 hours after receiving the in-
4 formation) review the information and make a deter-
5 mination whether each of the following apply:

6 (A) There is credible evidence that the in-
7 cident occurred.

8 (B) There is a basis to believe that the in-
9 cident resulted, could have resulted, or could re-
10 sult in voter information systems or voter tab-
11 ulation systems being altered or otherwise af-
12 fected.

13 (2) DUTY TO NOTIFY STATE AND LOCAL OFFI-
14 CIALS.—

15 (A) DUTY DESCRIBED.—If the Secretary
16 makes a determination under paragraph (1)
17 that subparagraphs (A) and (B) of such para-
18 graph apply with respect to an election cyberse-
19 curity incident, not later than 96 hours after
20 making the determination, the Secretary shall
21 provide a notification of the incident to each of
22 the following:

23 (i) The chief executive of the State in-
24 volved.

1 (ii) The State election official of the
2 State involved.

3 (iii) The local election official of the
4 election agency involved.

5 (B) TREATMENT OF CLASSIFIED INFORMA-
6 TION.—

7 (i) EFFORTS TO AVOID INCLUSION OF
8 CLASSIFIED INFORMATION.—In preparing
9 a notification provided under this para-
10 graph to an individual described in clause
11 (i), (ii), or (iii) of subparagraph (A), the
12 Secretary shall attempt to avoid the inclu-
13 sion of classified information.

14 (ii) PROVIDING GUIDANCE TO STATE
15 AND LOCAL OFFICIALS.—To the extent
16 that a notification provided under this
17 paragraph to an individual described in
18 clause (i), (ii), or (iii) of subparagraph (A)
19 includes classified information, the Sec-
20 retary (in consultation with the Attorney
21 General and the Director of National Intel-
22 ligence) shall indicate in the notification
23 which information is classified.

24 (3) EXCEPTION.—

1 (A) IN GENERAL.—If the Secretary, in
2 consultation with the Attorney General and the
3 Director of National Intelligence, makes a de-
4 termination that it is not possible to provide a
5 notification under paragraph (1) with respect to
6 an election cybersecurity incident without com-
7 promising intelligence methods or sources or
8 interfering with an ongoing investigation, the
9 Secretary shall not provide the notification
10 under such paragraph.

11 (B) ONGOING REVIEW.—Not later than 30
12 days after making a determination under sub-
13 paragraph (A) and every 30 days thereafter,
14 the Secretary shall review the determination. If,
15 after reviewing the determination, the Secretary
16 makes a revised determination that it is pos-
17 sible to provide a notification under paragraph
18 (2) without compromising intelligence methods
19 or sources or interfering with an ongoing inves-
20 tigation, the Secretary shall provide the notifi-
21 cation under paragraph (2) not later than 96
22 hours after making such revised determination.

23 (4) COORDINATION WITH ELECTION ASSIST-
24 ANCE COMMISSION.—The Secretary shall make de-
25 terminations and provide notifications under this

1 subsection in the same manner, and subject to the
2 same terms and conditions relating to the role of the
3 Election Assistance Commission, in which the Direc-
4 tor of the Cybersecurity and Infrastructure Security
5 Agency of the Department of Homeland Security
6 makes determinations as to the necessity of an advi-
7 sory and the issuance of an advisory under section
8 411(a) and the provision of notification under sec-
9 tion 411(b).

10 (c) DEFINITIONS.—In this section, the following defi-
11 nitions apply:

12 (1) ELECTION AGENCY.—The term “election
13 agency” means any component of a State, or any
14 component of a unit of local government in a State,
15 which is responsible for the administration of elec-
16 tions for Federal office in the State.

17 (2) ELECTION CYBERSECURITY INCIDENT.—
18 The term “election cybersecurity incident” means an
19 occurrence that actually or imminently jeopardizes,
20 without lawful authority, the integrity, confiden-
21 tiality, or availability of information on an informa-
22 tion system of election infrastructure (including a
23 vote tabulation system), or actually or imminently
24 jeopardizes, without lawful authority, such an infor-
25 mation system of election infrastructure.

1 (3) FEDERAL ELECTION.—The term “Federal
2 election” means any election (as defined in section
3 301(1) of the Federal Election Campaign Act of
4 1971 (52 U.S.C. 30101(1))) for Federal office (as
5 defined in section 301(3) of the Federal Election
6 Campaign Act of 1971 (52 U.S.C. 30101(3))).

7 (4) FEDERAL ENTITY.—The term “Federal en-
8 tity” means any agency (as defined in section 551
9 of title 5, United States Code).

10 (5) LOCAL ELECTION OFFICIAL.—The term
11 “local election official” means the chief election offi-
12 cial of a component of a unit of local government of
13 a State that is responsible for administering Federal
14 elections.

15 (6) SECRETARY.—The term “Secretary” means
16 the Secretary of Homeland Security.

17 (7) STATE.—The term “State” means each of
18 the several States, the District of Columbia, the
19 Commonwealth of Puerto Rico, Guam, American
20 Samoa, the Commonwealth of Northern Mariana Is-
21 lands, and the United States Virgin Islands.

22 (8) STATE ELECTION OFFICIAL.—The term
23 “State election official” means—

24 (A) the chief State election official of a
25 State designated under section 10 of the Na-

1 tional Voter Registration Act of 1993 (52
2 U.S.C. 20509); or

3 (B) in the case of Puerto Rico, Guam,
4 American Samoa, the Northern Mariana Is-
5 lands, and the United States Virgin Islands, a
6 chief State election official designated by the
7 State for purposes of this Act.

8 (d) EFFECTIVE DATE.—This section shall apply with
9 respect to information about an election cybersecurity inci-
10 dent which is received on or after the date of the enact-
11 ment of this Act.

12 **TITLE V—SENSE OF CONGRESS**
13 **WITH RESPECT TO ROLE OF**
14 **STATES IN CONGRESSIONAL**
15 **REDISTRICTING**

16 **SEC. 501. SENSE OF CONGRESS WITH RESPECT TO ROLE OF**
17 **STATES IN CONGRESSIONAL REDISTRICTING.**

18 It is the sense of Congress that, while Congress is
19 authorized under the Constitution of the United States to
20 ensure that congressional redistricting is carried out in a
21 manner consistent with the Constitution, only a State has
22 the authority to establish maps of the congressional dis-
23 tricts of the State and to determine the procedures and
24 criteria used to establish such maps.

1 **TITLE VI—DISINFORMATION**
2 **GOVERNANCE BOARD**

3 **SEC. 601. TERMINATION OF THE DISINFORMATION GOV-**
4 **ERNANCE BOARD.**

5 The Disinformation Governance Board of the De-
6 partment of Homeland Security is hereby terminated.

7 **SEC. 602. PROHIBITION ON FUNDING THE ACTIVITIES OF**
8 **THE DISINFORMATION GOVERNANCE BOARD.**

9 No Federal funds authorized to be appropriated or
10 otherwise made available may be used to establish or carry
11 out the activities of any other entity that is substantially
12 similar to the Disinformation Governance Board termi-
13 nated by section 701.

14 **TITLE VII—SEVERABILITY**

15 **SEC. 701. SEVERABILITY.**

16 If any provision of this Act or any amendment made
17 by this Act, or the application of any such provision or
18 amendment to any person or circumstance, is held to be
19 unconstitutional, the remainder of this Act, and the appli-
20 cation of such provision or amendment to any other person
21 or circumstance, shall not be affected by the holding.